

TOWN BOARD  
MAY 13, 1992

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  
M. Sheila Galvin, Councilwoman  
Charles Gunner, Councilman  
Sheila Fuller, Councilwoman  
Bernard Kaplowitz, Esq., Town Attorney  
Kathleen A. Newkirk, Town Clerk

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Supervisor Ringler welcomed everyone and said the first item on the agenda is a public hearing to consider Local Law No. 3 of 1992 concerning the permitting of solid waste management facilities within the Town of Bethlehem. He asked the Town Clerk to read the call of the hearing.

NOTICE OF PUBLIC HEARING  
TOWN OF BETHLEHEM  
ALBANY COUNTY

Public  
Hearing  
To  
Consider

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Bethlehem, Albany County, New York will hold a public hearing on May 13, 1992 at 7:30 p.m. at the Town Hall, 445 Delaware Avenue, Delmar, NY to consider proposed Local Law No. 3 of 1992, concerning the Permitting of Solid Waste Management Facilities within the Town of Bethlehem. 1992

All parties in interest and citizens will have an opportunity to be heard at the said hearing.

BY ORDER OF THE TOWN BOARD  
TOWN OF BETHLEHEM  
Kathleen A. Newkirk, TOWN CLERK

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STATE OF NEW YORK )  
COUNTY OF ALBANY )

KATHRYN OLSEN of the Town of Bethlehem, being duly sworn, says that she is the bookkeeper of THE SPOTLIGHT, a weekly newspaper published in the Town of Bethlehem, County of Albany, and that the notice of which the annexed is a true copy, has been regularly published in said THE SPOTLIGHT ONCE A WEEK FOR 1 WEEK consecutively, commencing on the 29th day of April, 1992.

/s/ Kathryn Olsen

Sworn to before me this  
29th day of April, 1992  
/s/ Bruce A. Neyerlin  
Notary Public, Albany County

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STATE OF NEW YORK )  
                          ) ss.:  
COUNTY OF ALBANY )

KATHLEEN A. NEWKIRK, being duly sworn, deposes and says that she is the Town Clerk of the Town of Bethlehem, Albany County, New York and that I posted on April 29, 1992, a Notice of Public Hearing, a copy of which is hereto attached, on the sign board of the Town maintained pursuant to subdivision six of Section thirty of the Town Law.

/s/ Kathleen A. Newkirk  
Town Clerk

Sworn to before me this  
8th day of May, 1992  
/s/ Kenneth P. Hahn  
Notary Public, Albany County

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Supervisor Ringler thanked the Town Clerk. The motion was made by Ms. Galvin and seconded by Mrs. Fuller that the Notice of Hearing, Affidavit of Publication and Affidavit of Posting Notice be indented on the minutes of the public hearing. The motion was passed by the following vote:

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

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Supervisor Ringler noted the format for the hearing would be that Mr. Secor, Chairman of the Solid Waste Task Force, will give a brief overview of this law and will open it to any questions that the Board might have. He said then questions from anyone in the audience and following those wishing to speak in favor or in opposition may speak. He asked that anyone wishing to speak come to the microphone, identify themselves and speak clearly.

Mr. Secor said he wished to read the transmittal letter again and would then go into the actual law.

MEMO TO TOWN BOARD

From: Solid Waste Task Force - s/B. Secor  
RE: Proposed Local Law for "Permitting of Solid Waste Management Facilities"

Attached is a draft of a Town Law for the Permitting of Solid Waste Management Facilities. The Solid Waste Task Force has spent many hours reviewing information provided by the Engineering Consulting firm of Stearns & Wheeler who was retained to provide technical support. Assistant Town Attorney Michael Smith organized the technical material and comments from the Task Force to produce a series of drafts. We thank him for his hard work and timely responses.

Many issues were raised with respect to trying to include in this law limits on specific chemicals or compounds or specific pollutants. However, it was stated by both Stearns & Wheeler and by Dr. Holstein (special consultant) that this approach was unadvisable since it would lead us down a path so technically complex and litigious that it could jeopardize any possible successful outcome of our efforts. Therefore, the proposed Town Law contains many new criteria and provisions but does not attempt to set chemical standards for solid waste facilities. This law should be looked at with the idea that it is a first step to gain Town control of solid waste facilities through a formal Town permitting process.

It is the consensus of the Task Force that the draft law be forwarded to the Town Board with the following recommendations:

- A.) That a two or three week public comment period be allowed before setting the date for a formal public hearing.
- B.) That copies of this draft be circulated to the Building Department, Planning Department, Planning Board and Board of Appeals and other such interested persons or departments.
- C.) That copies should be placed on file with the Town Clerk, Library, Highway Department office and Public Works office for public inspection.

A tentative schedule could be for the Town Board to discuss this matter at the March 25th meeting. That would allow 3 weeks for public review and comment before Town Board action to set a public hearing. A possible date for the public hearing could be April 22nd. Final action on the law might be realized by the end of May.

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Mr. Secor said he just wanted to use this memorandum as background material to get into the Local Law. He said the way the local law is set-up, they have provided their own definitions, have based on the administrative comments -- the meat of the thing is in the application

and the siting standards, design standards, construction standards, the operational standards, monitoring testing and then they went on with regulatory fees, enforcement penalties, etc. He said the important thing about this law is that up until now, the Town did not have a mechanism by which a solid waste -- someone who proposed a solid waste facility would have to come before the Town Board or any board for permitting. This provides the first step, the threshold step for getting that process under way, Mr. Secor stated. He said it has been formalized and they feel it would withhold court challenge as far as it being applicable. He said they tried to put enough meat into the standards so that someone could say that they know how they are being judged and what they are being judged against.

Mr. Secor said an interesting approach in beginning this was suggested by the consultant Mr. Becker of Stearns and Wheeler and he suggested starting off by defining classes. He said there is a class 1 facility to store without processing or transfer such as a household hazardous waste drop off or recyclables drop off, a transfer station or convenience center; class 2 facility where there is physical manipulation and then removal, which Mr. Secor said would be like a materials reprocessing center where they are taking recyclables and sorting them for color or sort them for different plastics, a C&D recycling plant, an REF plant which might manufacture refuse derived fuel, fuel in a similar plant or processing; class 3 would be a chemical or biological processing and removal of residuals or export of energy such as a waste-to-energy plant, composting plant, a landfill gas generator or infectious waste combustor; and class 4 being a physical long term placement decomposition, conversion such as sludge land spreading, MSW landfill or CD landfill and in the end they knocked out the waste tire storage.

Mr. Secor said the idea of this is that a household recyclables drop off station does not need the same level of regulation as does a landfill or an incinerator or some of the others. He said there is more degree of control as the facilities change in their character.

Mr. Secor said as a general statement it should be understood that these laws are intended to supplement existing State or Federal laws. He said this applicability of standards section simply says that if a State law is more restrictive or a Federal law is more restrictive, that must apply but if the local law is more restrictive, that should apply. He said it is the tougher test of whichever is the more restrictive. He said the Town cannot write a law that is less stringent than the State or Federal law, but the Town can write one that are more stringent as long as they have the ability to back up with some kind of reasonableness what they are doing.

Mr. Secor said at the first presentation, they went through a lot of wording of the law and it has been on file for a long time and they handed out over 100 copies of the law. He said it does not think it makes much sense to try to read all 64 pages of it. He said again this is just an overview, the outline and they are here to take comments on any provisions or any suggested changes to that. He said if there are any questions, he would be glad to answer them.

Supervisor Ringler asked if the Board had any questions. He asked if anyone in the audience had a question, requesting they come up to the microphone. There were none. Mr. Ringler then asked if anyone wished to speak in favor of this proposal. Mr. Sherwood Davies said he is in favor of the proposed Town regulations provided there are some revisions. He said he thinks the Town should make some consideration of the proposed revisions. He said he provided the Town Clerk and the Supervisor with 10 or 12 pages of material... Supervisor Ringler noted he has copied the rest of the Board with that. Mr. Davies said the first 10 pages relate to what he perceives as the need for regulation over and above what the State and Feds would provide. He said it gives a little background information. He said he thinks about 2 weeks ago what got him a little concerned was that he heard discussions on incineration versus landfill and when questions were asked, well how much is emitted out of the stack or about a landfill, the answers were very short coming. He said he went and tried to do a little homework and the first 8 or 9 pages he thinks will provide the Town Board with some background material in terms of specific releases for specific

plants and also what some of the State's are doing, as well as at the national level.

Mr. Davies just said that in terms emissions from an incinerator plant, in the U.S. today, we can get a range of maybe 2 to 10 fold difference in limits that might be permitted. He said he thinks this is pretty broad, indicating California is the most stringent. He said he thinks Massachusetts probably is one of the least stringent ones. He said Minnesota is quite stringent, New Jersey and he thinks New York State is probably 4 or 5 years behind with their air emission regulations. He said he thinks they are really under-regulating in terms of incineration and over-regulating on landfills, particularly upstate. He said this was enough of a background and he thinks they got points he would like to make but he thinks what is more important is some specific comments in regards to the proposed regs in the legislative declaration.

Mr. Davies said he believes it is of interest to the Town residents to protect health and safety of the environment. He said he thinks there has to be some revisions here where the Feds or the State really is not looking at our interests. He said in the definition of a class 3 facility, which is the waste-to-energy or resource recovery incinerator, it indicates or he would suggest that it be revised to include any facility that produces ash or any residue that must be landfilled. He said it is not specific on that point, only that it is recycled or going to essentially a super product or a beneficial use. He said the question is, will this definition exclude an incinerator that might produce ash that has to be landfilled. He said also, he thinks it is important to be quite specific and include reference to a recovering incinerator or a waste-to-energy plant.

Mr. Davies said in regards to the monitoring and testing standards, 97-32, these regulations require inspection along with concurring the life of the facility and for a period of 30 years after its closure. He said it is not clear as to the basis for a 30 year limit. He said the class 4 facility receives the ash or bottom ash or maybe other ash, after 30 years this ash and fine particles may disintegrate and it may be more important to monitor and evaluate that landfill up to 100 to 150 years.

Mr. Davies said 97-32 regarding testing, this regulation requires continuous monitoring and the recording of all discharges and emissions unless such devices are not commercially available. This primarily relates to atmospheric releases from incinerators, Mr. Davies said. The requirement on the surface appears to assure the public that hazardous releases are continuously monitored, Mr. Davies indicated, further stating this is not true. He said there are commercial monitoring devices available for monitoring gases, etc. but specifically someone more important releases such as mercury, cadmium lead and dioxins particular matter is not continuously monitored. He said he does not think the Town officials or Town staff would have the expertise to make many of these judgements on what is or is not available. In lieu of this requirement, he would suggest that the regulations might be revised to require reporting and monitoring to the Town in accordance with the State permit requirements.

Also, Mr. Davies said Section 97-32, environmental monitoring and testing, this is regards to landfills. He said this requires costly ground and surface water sampling and analysis for class 4 landfills. He said the much greater environmental and health impact would be atmospheric releases from incineration. To be consistent, Mr. Davies noted, off-site monitoring requirements should be extended to sample our food, milk and water resources that might be impacted from atmospheric releases. He said the State does not require this. Mr. Davies next addressed landfill gas, indicating this regulation only considers airborne explosive gases. He said if incinerator ash, fly ash were to be buried, it is conceivable that you would have mercury dioxins, possibly pcbs, and if that is the case, he said he thinks it is important that any such toxic gases that might be released, should be monitored.

Mr. Davies next addressed regulatory fees. He said he believes they should be paid based on actual cost to administer the regulations and not as a source of revenue. He said provisions should be made for

payment by the applicant or the operator for all costs over and above administrative costs, such as needed consultant services.

Mr. Davies said enforcement was the next topic, indicating many parts of the regulations are of a highly technical nature beyond the expertise of the Town Building Inspector. He said he believes the Town should consider giving administrative responsibility to the Commissioner of Public Works who is a licensed professional engineer.

Mr. Davies stated these are additional needed regulations which in his view are probably the most important. He said the other may be much less. He thinks the Town Board should consider expanding these regulations to include licensing or permitting of private haulers collecting waste in regard to the cost of solid waste disposal -- trash, yard waste and C & D in the Town averages \$325 to \$350 per household per year on an average. He said this is greater than our Town property tax, the highway tax and the water tax. He said licensing of haulers by the Town could provide the rationale of let the user pay on a volume of waste basis. He said it has been experienced in other communities on a pay for volume waste, found an immediate reduction in 25 percent in their solid waste stream.

Mr. Davies said he believes the next one has to do with the establishment of a pollution emission threshold. He said this relates primarily to incineration for the class 3 facilities. He said he would suggest that any applicant likely to exceed established thresholds and that could be fairly straight forward as to what it would be -- he indicated he has listed some for example, particulate matters of 150 lbs. per day, carbon monoxide 550 lbs per day, mercury 1 lb. per day, noting these are just thoughts -- but if the Town were to establish this as a threshold and this is all it is, he said, then the applicant or the individual, one permit in the Town, would have to indicate if they cannot meet these thresholds as to how they propose to meet them and then to maybe demonstrate as to what the expected release rates would be.

Mr. Davies said State regulations as he reads it, provide for a generic approach to disposal of incineration bottom ash and fly ash. He said toxic materials can be reconcentrated in the ash at a significant level, 3 to 5,000 parts per million of lead, 20,30 parts per million of mercury, etc. He said he thinks the Town should have knowledge and be able to control the amount of pollutants in ash that might be landfilled in the Town or introduced into consumer products. He said a suggested limit for reporting to the Town would be concentration of lead, mercury, cadmium dioxin to be landfilled in a landfill in the Town. He said there is 20 times greater than the average concentration found in municipal solid waste. He said he does not think this is unreasonable.

Mr. Davies said lastly and probably what is most important and is of some concern is the ash to be incorporated into consumer product or what might be called the beneficial uses. He said he thinks there should be a requirement in this regulation that the recipient of any ash from an incinerator in the Town should be notified of any concentration of toxic pollutants that exceed 10 times the concentration normally found in the product. He said he might say that he looked not too long ago at a transfer of property and neither the lawyers, the bank, somebody required if you make a statement that there is no degree of formaldehyde in the building and to your knowledge no toxic substances, he wondered what the attorneys might -- the attorneys might have a field day if the cinder block in the basement or the aggregate in the driveway had 4 or 5,000 parts per million of lead, mercury, etc.

Mr. Davies said he thinks the approach by the Town is excellent and he would heartily endorse the enactment of these regulations but he would like to see them go a little further than they are at the present time. Mr. Davies thanked the Board.

Supervisor Ringler thanked Mr. Davies and asked if anyone else wished to speak in favor. There were none. The Supervisor then asked if anyone wished to speak in opposition. Mr. Saul Rigberg thanked the Supervisor and the Town Board for the opportunity to address them. He noted he has been a member of the Solid Waste Task Force for about 2

years and lives in Delmar. He said he wishes to discuss only 3 or 4 points. First he said he would like to extend his appreciation to his colleagues on the Solid Waste Task Force for the hours of hard work, indicating it was very slow and tedious. He said although he strenuously disagrees with several of the sections that are in these proposed permitting standards, he is nonetheless, is grateful to citizens who make community service part of their lives.

Mr. Rigberg said his comments center on air quality and environmental review. He said as background maybe the Board remembers back in 1990 and early 1991, the concern was that the Town Board could not serve as lead agency in regard to the appeal of the proposed American Refuel incinerator on Cabbage Island because the Town Board did not have the permit authority. He said another concern was that the only provision standards in the Town for the trash burning plant was the Town of Bethlehem Law, Section 97.11, that prohibits the importation of trash from outside Bethlehem unless from time to time, that is occasionally, the Town had contracted for trash outside Bethlehem.

Mr. Rigberg said he has been concerned about the deterioration of the regional and local environment ever since he became aware that the Capitol District has an extremely high incidence of lung and breast cancer, respiratory ailments and similar health problems such as the kind that are among children. He said he was dismayed because his wife and he moved upstate New York to get away from the very type of pollution that is prevalent here. He was especially pleased, therefore, with discussions of the Task Force in late 1990 and early 1991 regarding a exciting opportunity presented to them to craft permitting standards that would reflect Bethlehem's unique environmental and social characteristics and would not be a creature of political and economic compromise and pressure. He said, that is they all agreed that EPA and DEC regulations are not so much linked to medical and health research but are often watered down by the pressure of economic interests. He said it is his understanding that because we are not seeking to attract solid waste businesses to the Town, we would engage a consultant who could help us with the statements that objectively protected and promoted public health and also included when appropriate, those that pass the State and Federal regulations. He said it gave them the opportunity to develop health standards that would promote and protect the health and environment of the residents of Bethlehem.

Mr. Rigberg said the request for proposal for a consultant to work under these standards was sent out in January of 1991, reflecting this understanding. He said they talked about designing a regulatory system with Bethlehem's unique characteristics in mind. Mr. Rigberg said under the scope of work section, it stated that the consultant was to review regulations that existed around the country with particular attention to ambient air quality and health risk exposure. He said when the Task Force reviewed the responses from the RFP, they were particularly concerned that they not hire a consultant who had ties to the solid waste industry because of their interest in developing unbiased standards. He said further they were particularly concerned that the sub-contractor have responsibility for ambient air quality help with exposure issues, not being tainted with any other relationships with the solid waste industry. He said at that time, they were particularly concerned about Refuel which had a proposal pending.

Mr. Rigberg said with that background in mind, he thinks the Board can appreciate his dismay with this proposed legislation. He noted when the legislative declaration section there is talk of "maintaining a clean, wholesome and attractive environment in the Town, while protecting the health, safety and welfare of its inhabitants and further recognizing the inherent dangers arising from the unrestricted or unsafe siting, design, construction or operation of solid waste management facilities and the need for proper planning, siting, design, construction and operation of such facilities to protect the inhabitants of the Town and its vital environmental resources". He said these are lofty words but asked if the laudable comments of this legislative declaration have been fulfilled. He further asked how is the health and safety and welfare of the Town residents been protected

in this proposed law. He asked how this proposed law shepherd and nurture the Town's environmental resources. He said let's take a look.

Mr. Rigberg said the first section that caught his eye is 97.3 which appears on the very next section of the proposed law. He said it says that "where the provision set forth in any applicable Federal, State or local law, are more restrictive than the provisions of this article, then the provisions of such applicable Federal, State or local law shall apply". He said since this law was supposed to be more restrictive or at least equal restrictive as these laws, he was puzzled at first. Then he remembered there is a section 97.11 since it prohibits the importation of waste from outside the Town except in those cases where the Town would contract from time to time, that another municipality or person to accept solid waste, it would appear that any large facility contemplated by this proposed law would be prohibited because by no stretch of the imagination, do the words time to time suggest that a 20 or 30 year contractual arrangement to accept solid waste from as many as 12 counties as is now contemplated by Energy Answers. The interaction between this proposed law and section 97.11 has not been publicly developed or explored nor for that matter, Mr. Rigberg said -- if he may regress for a moment, has it been publicly explained how the importation of waste in 97.11 interacts with the proposition to provide for trash incineration that will be voted on June 18, 1992. He said because it appears that adoption of this article 4 would begin the slippery slow movement toward repeal of 97.11, and because article 4 contemplates the siting of large facilities that would have an effect on the environment, he would think the Town Board would be hard pressed to issue a negative declaration regarding this proposed law, pursuant to the State Environmental Quality Review Act.

Mr. Rigberg said he knows under Section 17.2 of SEQRA, an action that must undergo environmental review, included is adoption of rules, regulations and procedures including local laws, codes, and ordinances, executive orders and resolutions that may affect the environment. He said Section 617.1 of SEQRA notes "in adopting SEQRA it was the Legislature's intention that all agencies conduct their affairs with an awareness that they are stewards of the air, water, land and human resources and that they have an obligation to protect the environment for use and enjoyment for this and all future generations". Mr. Rigberg said the basic purpose of SEQRA is to incorporate consideration of environmental factors into the existing planning, review and decision making processes of State, regional and local governmental agencies at the earliest possible time. He said to accomplish this goal, SEQRA requires that all agencies determine whether the actions they directly undertake, find, or approve may have a significant effect on the environment and if it is determined that the action may have a significant effect, prepare a request for an environmental impact statement. He said given that the proposed article 4 has developed a procedure by which solid waste facilities are sited, it is obvious that this law may have a significant affect on the environment. He said furthermore, he would ask the Town Attorneys whether under SEQRA the special elections law calls down the preparation first of the environmental impact statement. He said he doubts that a popular vote of this nature is either excluded or an exempt action under SEQRA.

Mr. Rigberg said in any event, he apologizes for that discretion. He said he would like to continue his discussion with the failings of the proposed law. He said as you review the siting, design, construction and operation standards, as they appear in the proposed law, you will find provisions requiring set-back requirements, clean up of litter along the roads, but curiously enough no Hudson River or railroad beds, even though an incinerator of the size contemplated by Energy Answers may well require such modes of transportation and the height the grass is allowed to reach. He said the Board may want to know that 4 inches is the maximum figure for grass. He said all of this may be important to protect the health, safety and welfare of the Town's inhabitants and promote the protection of vital environmental resources but under these standards you will see nothing very specific about air or water pollutants.

Mr. Rigberg said in 97-32, monitoring and testing standards, there is discussion of environmental monitoring and testing --

indicating this is true but there is no indication what discharges and emissions are to be looked at or the levels that are to be considered acceptable. He said for anything, it really gives you a sense that this proposed law actually will protect the health, safety and environment of the Town but that it is in keeping with the spirit for the purpose for which the Task Force prepared the RFP. He said for example, in the recommendation of the Task Force submitted recently to the Town Board discussing the solid waste options that should be considered and recommending the Energy Answers proposals, the third option for handling of solid waste, this mention that landfills have had trouble in the past with methane emissions, yet the proposed law is silent on that emission. He said there are other examples, metals are not destroyed by incineration, cans, jar lids, batteries, etc. are released in stack acids and ashes of incinerators. He said the Swedish government, for instance, has estimated that 60 percent of the mercury emissions in that country comes from municipal incinerators. He said in addition to lead, cadmium, mercury, incinerator gases and ashes also carries numerous organic chemicals are born during combustion. He said these include dioxins and puroxins. He said dioxins and puroxins from metal land in air and water and work their way up the food chains to humans. He said in some cases they enter directly into humans. He said mercury is especially dangerous, for example, the smallest trace of mercury in lake water a few parts per trillion can render fish unsafe to eat. He said mercury accumulates as it moves up the food chain. He said long term exposure to mercury can result in impaired development of the central nervous system, lowered intelligence, impaired hearing and speech and decrease in coordination. Mr. Rigberg said fetuses exposed to mercury may develop cerebral palsy, physical deformities and mental retardation.

The Energy Answers facilities in Rochester, Massachusetts, according to Mr. Rigberg, known as SEMASS produces approximately 780 lbs. per year of mercury. The SEMASS plant is the second highest source of mercury emissions in southeast Massachusetts, he said. Cadmium is a metal that is known to cause cancer and birth defects, high levels can damage lungs and even cause death, Mr. Rigberg noted. He said breathing lower levels for periods of years leads to a built-up of cadmium in the kidneys that can cause kidney disease. The Energy Answers SEMASS facility emits about 96 lbs. per year, Mr. Rigberg said. He said lead is the most commonly known pollution that is emitted from incinerators. He noted because the study is related examined the effects of lead poisoning on people and have concluded that lead exposure even at very low levels is poisonous to the central nervous system causing mental retardation and learning disabilities. According to the US Environmental Protection Agency, lead also causes sterility and stunts physical growth in children, causes high blood pressure, hearing loss and may cause cancer, he noted. Mr. Rigberg said the Energy Answers SEMASS facility emits almost 2500 lbs. a year of lead and is the largest emitter of lead in southeastern Massachusetts.

Mr. Rigberg said given all this, it is extraordinary that the proposed legislation does not address emission standards. He asked what happened to the original intent of protecting Bethlehem residents to a degree not afforded other residents because of political and economic influences. He said the Town Board may well consider sending this draft legislation back to the Task Force for discussions to find out how these levels of mercury, cadmium and other emissions are to effect the health of Bethlehem residents.

Mr. Rigberg said Mr. Secor has said in various places including the information being told at the South Bethlehem Fire house and the Selkirk Fire house, as well as before this body that the health consultant that the Task Force engaged, Dr. Holstein advised against developing health written standards. He said not surprisingly, this issue was hotly debated at the Task Force meetings and a minority of the members, including himself, disagreed with that approach. He said they cannot understand why a health professional would be advising that we jettison one of the main reasons for developing this local law. But, Mr. Secor's recollection of Dr. Holstein's presentation is not completely accurate, according to Mr. Rigberg, indicating that in the minutes of the Solid Waste Task Force of July 9, 1991, Dr. Holstein stated that our local government should concentrate efforts in setting standards for pollutants that are associated with respiratory

irritations, such as ozone and sulfur dioxide and nitrous oxide, hydrogen chloride and sulfuric acid. Mr. Rigberg said according to the minutes, Dr. Holstein also stated that regulatory agencies have not responded quickly enough to good scientific evidence of the effects of these pollutants. The goal according to Dr. Holstein should be to minimize pollutants, Mr. Rigberg stated. So, even though Dr. Holstein identified some limited areas where the current standards are inadequate and that non-attainment of existing standards leads to documented ill effects, Mr. Rigberg said, this proposed law before you makes no mention of the pollutants that lead to respiratory irritations and for which Dr. Holstein suggested defensible standards be developed.

Mr. Rigberg said, as the Task Force debated positions, a whole new element is thrown into the mix, political and economic forces that the above could not intrude on the deliberations came upon them with a vengeance. He said with the submission of the proposal by Energy Answers to construct and operate a regional garbage incinerator on Cabbage Island, pressure then from government leaders, including the Town Supervisor to encourage this proposal and apparently in the name of competition. He said he understands Supervisor Ringler has spoken before such groups as the Bethlehem Chamber of Commerce and has provided one endorsement of the Energy Answers proposal. Mr. Rigberg said discussions of health issues at Solid Task Force meetings are rarely given the time of day now.

Mr. Rigberg said for instance, he has provided the Task Force a copy of a county law in New Jersey which sets standards for mercury emissions and no interest was generated for that type of approach here. Indeed, he said, they were told because all solid waste facilities produce some pollution, it is impossible to set any standards at all. He said time and time again they have been told that Dr. Holstein, the health expert, said the Town should announce its standards for incinerator emissions. Mr. Rigberg said Dr. Holstein is a very nice gentleman, however, he too must earn a living and in fact, we now know that one way he earns a living is to work on behalf of the incinerator industry. He said Dr. Holstein and the firm with which he is associated, Cambridge Environmental Inc., are working for American Refuel on behalf of its Green Island incinerator proposal. It is not surprising, Mr. Rigberg said, that a person earns a living helping to site incinerators would counsel the Town not to impose emission standards strictly because his client was already eager. He said the unwillingness of the Town to hire an objective health professional, must know that they share their relationship with solid waste industry and they have tainted the entire process. He said for this reason alone, honesty can dictate that this law be rejected as it is written. He said it is bordering on deceitful to advise Town residents that not only does this public law promote and protect the health, safety and welfare of the Town but that the law will protect the Town in the vent an incinerator is built on Cabbage Island as is proposed by the Task Force and it is apparently advocated by the Town Supervisor, the Town Engineer and the local newspaper, the Spotlight. Mr. Rigberg said in other words, what we have here is a house of cards, because the foundation of this house of cards is an employee of the incinerator industry, the whole argument that health grade standards cannot be developed, it must collapse. In a similar vein, Mr. Rigberg said the decision of the Town Supervisor can be for an incinerator and thus alter what was to be an objective process. He said it can be shown that at a special meeting of the Task Force when they filed -- at that meeting Mr. Secor presented the Task Force with the proposals all with the minimum site size of class 3 facilities which include trash burning plants to alter the set back requirements for an incinerator in light industry zones. He said the changes were to be made on pages 13 and 20 in the proposed law. He said Mr. Becker, the Stearns & Wheeler consultant and Mr. Secor explained that this proposed modification would be made so that the Energy Answers facility could be sited on Cabbage Island. Here, Mr. Rigberg said we have a law that is out for public comment and is printed and distributed and already the Town would like to have it changed just to meet the needs of an applicant.

Mr. Rigberg asked what would happen if Energy Answers did not build on Cabbage Island and a different proposal came along that included other facilities, such as a shredding facility. He said then

we would have to squeeze the entire plant on Cabbage Island. He said it is not good government to regulate by particular applications. He said the law as proposed is for applicability throughout the Town and should not be modified each time the company comes along and dangles a million dollars in front of the Town. He said such a move cheapens government no matter how large the offered purse and he cautioned the Town Board that if Energy Answers uses IDA bonds, there may be no tax revenue to speak of. He said the Town should seriously consider whether it is going to modify regulations just to be the means to an end, if an applicant wants to build on a particular site. He said this crass manipulation of the Task Force is disturbing.

Mr. Rigberg said the proposed legislation also fails to require an applicant to demonstrate that the facility proposed is needed. He said yesterday's editorial in the Times Union addressed this issue, and asked if we are party to the record. He asked how many new power plants does the Capital region need, how many can it support, how many incinerators are necessary to replace the landfills that have been shut down by the State. He said these questions are raised by a state of competing proposals, addressed to the area's energy and waste disposal requirements. Only now, Mr. Rigberg said, there is genuine confusion over just what those needs are. He said the State should provide some guidance. He said the latest proposal slithered last week, an impressive combination of paper recycling operations and an incinerator that would be eventually replace Albany's dirty, antiquated Energy Answers plant, that was designed by Energy Answers, which converts garbage into steam energy. He said there is no question the project would be pivoted through the Port of Albany where it would be situated, yet how many incinerators can the area support. He said the Port proposal comes just as the residents of Green Island are preparing to vote on an incinerator proposed for that community. The third company wants to build a trash burner in Bethlehem, he said. Mr. Rigberg said it is unlikely that the State will grant permits to more than one such project. He said each would require a sizeable supply of trash to keep it at peak operation, much more garbage than the region could generate and support all three plants. He said thus, a choice has to be made but how is the average citizen to decide which is a better one. He said then there is a parallel question of whether incineration is the best option. He said what about air emissions trapped in the Hudson Valley. He said why not leave some landfill space open or go deeper into existing sites.

Mr. Rigberg said if only one incinerator is needed in the near future, where should it be sited and how do we compliment State wide efforts at recycling. He said local communities cannot make these assessments, they are too busy dealing with the controversy that local proposals inspire and they are too likely to decide the issue in terms of broad interests. The best arbiter would be the State which has both the broad prospective necessary to assess regional needs and the authority to curb excess capacity by refusing to give permits to marginal or superfluous projects. He said ordinarily we favor local rule when it comes to where projects can or cannot be located within a community yet it is clear that issues involving energy supply and waste disposal have impact on the region's economy and environment. He said that is why the State needs to act as the largest arbiter and plan the general welfare.

Mr. Rigberg said in conclusion then, he is dismayed as a member of the Task Force that he has been manipulated into believing that the Town seriously would consider the issues addressed in the RFP, such as ambient air quality and health risk exposure and design a law that would protect the environment of the Town. He said instead, he finds that the urgency to promote the Energy Answers proposal for reasons not public, despite the Green Island proposal of American Refuel and now the proposal in the City of Albany has compromised the entire process. He said the process has been disappointing and makes one wonder why citizens should even volunteer their time on behalf of their Town and behind closed doors decisions are made that substitute unfair political and economic considerations for quality of life issues. He said let's get off the Energy Answers bandwagon before it is too late. He said the Town Board should remand the proposed legislation to the Solid Waste Task Force so it can repair the infirmities in the law without being buffeted around by such extraneous pressures. He thanked the Board.

Supervisor Ringler asked if anyone else wished to speak in opposition. Councilwoman Galvin asked if she might address a question to the speaker. She asked whether or not Mr. Rigberg knew if the firm with which Dr. Holstein was affiliated was in any way involved in relation to studies dealing with Refuel's Preston, Conn. plant. Mr. Rigberg said he did not know. Councilwoman Galvin thanked Mr. Rigberg.

Ms. Betsy Lyons said she was here to represent Bethlehem Work on Waste, an organization comprised of Town residents who are opposed to mass burning incineration and advocates waste reduction, reuse or recycling. She said Bethlehem Work on Waste strongly supported the moratorium on solid waste facilities to allow time for development of the Town's standards, criteria and enforcement mechanisms to insure the protection of the health and environment of Bethlehem residents. At previous hearings on the moratorium, BWOW made specific recommendations to topics which these standards should address. Although some of the issues were addressed, according to Ms. Lyons, the draft permitting requirements are missing some essential compliments.

Ms. Lyons said protection of public health and the need to address the emissions of solid waste facilities is lacking in the draft. She said BWOW stated several times to the Town Board the importance of selecting a consultant with no ties either to the companies proposing solid waste facilities in Town or to major vendors to solid waste facilities.

Ms. Lyons said Dr. Holstein, the Town's health consultant, has steered the Task Force away from health issues, did not meet the criteria. She said BFI/American Refuel is no longer actively considering construction of a regional mass burn plant in Bethlehem, Green Island is now the target. She said their health consultants are Cambridge Environmental Inc. and, according to their receptionist, Dr. Holstein is working on that project.

Ms. Lyons said a second serious flaw is the lack of cohesiveness between these requirements and the existing Town law regarding the importation of trash in Bethlehem. It is clear from the language of the permitting standards that facilities to handle orders of magnitude trash above what Bethlehem generates are covered. She asked if the adoption of these standards imply an erosion of these existing garbage importation ban. She asked if this law which has been used by the Town to protect the health and environment of its residents being quietly undermined. She said the Town Board must confront and clearly answer this question prior to taking action toward adoption of the proposed permitting standards.

Ms. Lyons said she wished to now comment on some specific aspects of the draft standards. The definition of Class 2 facilities -- she said it is inappropriate to include an RDF and some types of construction and demolition debris processing facilities in this category. She said Class 3 facilities include those which mechanically process material. She said clearly RDF plants, which shred and pelletize trash, belong under Class 3. Likewise, the C&D processing facilities which go beyond mere sorting, a concrete crushing machine for example, should be moved, according to Ms. Lyons, from Class 2 to Class 3. Such activities have great potential for dust and noise pollution and therefore, belong under stricter regulations, she noted.

Ms. Lyons next addressed the definition of Class 3 facilities. She said the term resource recovery facilities, although defined in part 360, solid waste regulations, is not widely used. The intention is to include incineration facilities in this class and that term should be used for clarity, she noted. She said this definition also includes mention of waste tire processing facilities and asked if these regulations which later ban tire storage and disposal facilities, wish to allow tire processing facilities, such as tire shredding plants.

Ms. Lyons said next is the definition of hot load area. For comprehension by the general public, clarification is needed here. She said it should address how often and under what circumstances do garbage trucks carry burning solid wastes.

Ms. Lyons said the next items are prohibited acts and administration. She said one essential goal of developing these standards was to ensure that all proposals for solid waste facilities come before accountable, elected officials. A permit system where the Town Board must issue permits prior to any clearing or construction fulfills that goal. The language in 97-26(E), according to Ms. Lyons, which makes expansion, equipment changes or changes in types of waste handled a modification which is to be treated as a new application is also important.

Ms. Lyons next addressed siting standards. She said various minimum lot size requirements were derived generically by the Task Force to apply to all types of solid waste facilities within each of the four classes. BWOW is extremely troubled that an attempt was made to alter those lot sizes for one particular proposal, Energy Answers Corporation, eight days prior to this public hearing and after the proposed standards were set out for public review. She further stated they hope this is not indicative of the Town Board's intent to adopt standards and then just alter them to suit specific applicants.

Ms. Lyons said next she would comment on design standards for class 3. The sign dimensions for class 3, she noted, require 40 feet wide by 12 feet high, are the largest allowed for any class. For aesthetic reasons, she said, this is too large and should be reduced to the maximum 20 feet wide by 8 feet high allowed for class 4. She said also for aesthetic reasons, all class 3 facilities, not just those outside of industrial zones, should be landscaped along the entire public road frontage. In addition, she said any facilities located along navigable waterways should be landscaped along the water frontage.

Ms. Lyons next addressed performance guarantees and insurance. She said the requirement for performance bonds and liability insurance, both general and environmental, is an important enforcement mechanism and protection for the Town. This section, she noted, however, is vague with regard to the amounts of guarantees or insurance that will be required. She said it is entirely left to the Town Board on a case-by-case basis. More direction is needed, she feels, to ensure that the amounts set will be adequate.

Ms. Lyons commented on operation standards next. She said this section deals in part with the security issues raised by BWOW during the moratorium hearings. Good records and access to those records is important, she said. She said, however, there is a need to go further than allowing access by Town officials or agents. She said illegal disposal is a real danger. It is imperative, she thinks, to have an independent monitor, especially at class 3 and class 4 facilities at all times. This monitor should be employed by the Town with salary reimbursed by the facility owner, she noted. That monitor should have a stop work authority, namely the ability to immediately shut down a facility if suspicious activity or equipment malfunctioning is observed, she said.

Ms. Lyons addressed next operation standards for class 1. She asked why is there specific mention of the loading of rail cars and barges for class 1 facilities. She said if use of this types of transport are envisioned, she asked why they are similarly not mentioned in any other classes. She said litter control and removal requirements are important, however, litter control along roadways should occur regardless of whether the facility is located in an industrial zone. She noted it also should not be confined to just roadways. Since rail and barge transport are envisioned, she said litter removal should also be required along rail rights of way and waterways. This requirement should also be made for class 2, class 3 and class 4 facilities.

Ms. Lyons next commented on operation standards for class 4. She asked what is meant by section 1 statement, "Intake of special waste under direct supervision of police or regulatory agencies for the purpose of immediate destruction shall be allowed after notification to the Town enforcement officer". She said the term special waste is not defined here or in part 360. She asked if this means that solid waste incinerator in Bethlehem might burn hazardous waste, medical waste, radioactive waste. She said if that is the case, she asked why that should not be given to nearby schools.

Ms. Lyons said the maximum storage times in section 4 for unprocessed garbage during periods of equipment failure are too long. She said twelve days of trash at a 1500 tons per day facility would mean storage of 18,000 tons of trash on site. She asked if this would not constitute a health hazard.

Ms. Lyons next addressed performance and closure guarantee and insurance. She said the financial assurance of adequate insurance and resources to operate and later close a facility are very important. The situation, according to Ms. Lyons, at the Metz C&D landfill have illustrated the importance of being sure an applicant has sufficient resources to properly close a facility. For this reason, she said, the first sentence in the second paragraph of (2) should read, "an applicant shall be required to provide" not an application may be required to provide.

She said as mentioned earlier in section 97-31, too much discretion is given to the Town Board to set the amounts of insurance and guarantees. She said the additional language should be added to ensure that the amounts charged are sufficient to cover realistically anticipated costs.

Ms. Lyons addressed monitoring and testing. She said it is this section which falls far short of filling the void left by State and Federal regulations. Monitoring and testing, according to Ms. Lyons, are crucial to ensure maximum public health protection. BWOW previously testified to the need for frequent, unannounced testing of stack emissions, the need to test during periods of air stagnation and the need to establish baseline pollution levels in air, soil, surface water and groundwater prior to operation of a facility with regular retesting after operations commence.

Ms. Lyons said one problem with the requirements set out in the proposed standards, is that all of the monitoring is to be done by the operator of the facility. She asked how diligent self-testing will be. She said independent monitoring and testing is important. She said another concern is the discretion given to the Town to exempt facilities from the requirements in the operating permit. In addition, she asked who in the Town will be responsible for promptly reviewing all of these reports and logs. She said the regulations should also clearly specify that all of the logs, reports, testing results etc. be available to the public, at the Town Hall, and the library, in addition to being promptly submitted to Town officials.

Ms. Lyons said although the proposed standards do cover on-site testing of surface and groundwater, there is no similar requirements for air or soil. In addition, she said, some solid waste facilities such as incinerators, have a sphere of environmental impact which extends far beyond site boundaries. The baseline testing and monitoring of air, soil, surface water and groundwater should not be restricted to the site but done for the entire area of anticipated impact.

She said air emissions from solid waste facilities are an issue of concern in Bethlehem. The only section dealing with this topic, she said, is vague. It appears to only deal with pollutants which can be continuously monitored, she said. She further noted this is a very limited list. For emissions that cannot be continuously monitored, she said, "the Town should set an alternate discharge or emission monitoring requirement." She asked what pollutants will be dealt with and how will the Town Board carry out this requirement.

She said one of the goals in developing these standards was to take into account specific attributes of the community. She said one of Bethlehem's attributes is the Hudson River. She said the Hudson River Valley is subject to periods of air stagnation. The region is also designated as a non-attainment area for ground level ozone pollution, she noted. She said to accommodate these factors, solid waste facilities which emit the chemicals causing ozone pollution should be required to cutback operations during periods of air stagnation.

Ms. Lyons next addressed post closure monitoring and testing. She asked if the term "non-exempt facilities" refer to small facilities

exempt from the proposed standards or facilities which the Town exempts from this requirement in the operating permit. She said the language is confusing. She also added all facilities subject to these standards should be required to perform post-closure monitoring and testing.

Ms. Lyons commented next on monitoring and testing of noise. She said the noise levels listed in this proposal are much too loud for property boundary levels. She said they are significantly higher than state requirements. She said DEC requires all solid waste facilities in suburban communities in residential areas to have daytime noise levels below 62 decibels and night levels below 52 decibels allowing 80 decibel days and 65 night with peak levels of 90 day and 65 night, would have profound impact on the area surrounding such a facility. Noise levels above 75 decibels are in the range of causing possible hearing loss, she noted. She said the noise at 90 decibels is very loud.

Ms. Lyons next addressed odors. She asked who decides whether an odor is noxious or offensive.

Ms. Lyons lastly addressed penalties. She said permits of persistent violators or those incapable or unwilling to comply should have their permits revoked, no may have their permits revoked. She said one way to possibly prevent getting into a situation with a persistent violator is to require full disclosure of past corporate history and compliance with environmental laws as part of the permit process. As they have urged numerous times, Ms. Lyons said, a bad actor law should be adopted. She said DEC not has bad actor guidelines which it is testing in a few DEC regions. She asked why the Town is unwilling to state it does not want to do business with companies with criminal records.

Ms. Lyons thanked the Board. Supervisor Ringler thanked Ms. Lyons and asked if anyone else wished to speak in opposition. Ms. McCoy said she is a member of the Task Force and she certainly too is aware of the answers that are given to the development of the proposed permitting standards. She said her comments tonight do not address any particular aspect of the standards, indicating she was going to focus on a single issue and that is the existing Town law. She said the proposed standards, which will become our core of chapter 97 of the Town of Bethlehem Code are inconsistent with the existing provisions of the same chapter. She said before any action is taken with respect to the proposed article 4, consideration should be given to resolving this inconsistency so that the greatest possible protection is provided to the community now and in the future. She said subsection 11A, found in article 2 of chapter 97, which she refers to as section 97.11A of law of our Town, which governs solid waste contains the provision that only solid waste generated and collected within the Town of Bethlehem and which are not otherwise prohibited will be accepted in any solid waste facility within our Town or at any public dump or dumping ground, authorized pursuant to article 11 of this chapter. She said this Town law has been cited and its provisions invoked on several occasions. She said in July 1989, attorneys for the Town went to court to bar the operators of the Metz landfill in continuing to import material from outside the Town to dispose of in the Metz landfill. She said they cited section 97.11A as the basis for the challenge. She said section 97.11A was referred to in a draft environmental impact statement prepared by Smith and Mahoney, and provided to the Task Force in June of 1990, concerning a proposed regional C&D dump and was again referenced by the assistant Town attorney in his June 22, 1990 letter to DEC concerning the same project. She said in December of 1990 a letter was sent to American Refuel concerning their proposed 200 ton a day incinerator and in this letter, Supervisor Ringler states "this local law prohibits the importation into the Town of waste generated outside of the Town and that this prohibition would appear to constitute a major and critical obstacle to your proposed waste-to-energy facility since you will be generating waste from a 4 county area". She said Supervisor Ringler goes on to strongly urge that they reconsider their project in view of this unequivocal prohibition against importation of solid waste generated outside the Town which would constitute "an obvious illegal activity under chapter 97 of the code". She said this position is reiterated in Supervisor Ringler's letter of December 14, 1990 to the chairman of the Board of Appeals and again, his letter of December 21, 1990 to Work on Waste.

She said an article on these letters appeared at times in the Times Union. She said section 97.11 was again cited with regard to the American Refuel proposal in the Solid Waste Task Force minutes of May 14, 1991 which states on page 3, "this proposal violates the chapter 97.11 of this Town of Bethlehem Solid Waste Law". She said there is a reference also made in the August 20, 1991 minutes of the Solid Waste Task Force. She said the Town Engineer discussed with the Assistant Town Attorney how to integrate the new legislation, article 4 with the existing Town laws. She said there is no further reference in the minutes for the Solid Waste Task Force, section 97.11 simply put, article 4 of the proposed permitting standards fails to address the mandates of existing Town law. She said this is a fatal defect in the proposed existing Town law in the proposal to enact article 4. She said as shown above, the Town itself has relied on those mandates in the past to prevent and to control the importation of waste. In effect, the enactment of the proposed article, according to Ms. McCoy, strips the section 97.11 of its provisions. She said a new law which supersedes an existing provision, must at the very least, identify that this will occur. She said only then can the new law be evaluated fully and judged fairly against the benefits of existing protections that would be satisfied by its enactment. She said no task force or consultant or employee or attorney of the Town has the right or the ability to alter the provisions of Town law. She said if the Board enacts article 4 as proposed, it is you, as members of the Town Board, who will set aside section 97.11A and the critical protection it provides now and in the future to assure our Town will not be a regional center for solid waste facilities.

Mrs. McCoy said it has been suggested that article 4 is a valid action and may not be undertaken pursuant to the Town's ability to contract for services under section 97.11B which provides that the Town can contract, from time to time, with another municipality or private person to accept solid waste and such waste may be accepted as solid waste facilities in the Town in accordance with such a contract. She said the position that article 4 as proposed complies with the requirements of 97.11B, it is not credible interpretation of the plain words of this section of the ordinance. She said there can be no reasonable, rational, or defensible construction of a ... time for time to mean 20 or 30 year contracts. She said it is a disingenuous interpretation that is not supported by the actions of the Town as described above. She said article 4 as proposed plainly sets aside the requirements of 97.11A and fails to satisfy 97.11B because the facility size as described far exceed the limits proposed by section 97.11A. She said how can this not also be true with respect to the special election. If, under some circumstance, she said, or avocation of law that is not apparent to her, such an interpretation might be viable. However, she said the previous actions of the Town reconciled with a completely different interpretation now of the same ordinance. She said concerns of Stearns and Wheeler, consultant for the Town, has stated, "the Town's geographic location in the northeast's waste shed coupled with its land use character combine to make Bethlehem a prime candidate for parties wishing to establish solid waste facilities". She further noted in a New York Times article, December 2, 1990, railway industry efforts to increase rail transport and disposal of garbage are described. She said Conrail described this business as "very important to Conrail and that a plan was to open a string of disposal sites in rural sections of the 17 states Conrail serves". She said the article also notes the Long Island Railroad feeds substantial amounts of the waste into the Conrail system for shipment. She said these facts should make readily apparent her concern for the future quality of life in our Town which the proposed standards fail to protect because section 97.11A will be rendered null and void if article 4 is enacted in its present form. She said she requests that the Board postpone further consideration of article 4 to allow the Board to full and fair opportunity to examine the issues that are presented here.

Ms. McCoy said she had a copy of the statement and the 13 attachments to it of what was just read. Supervisor Ringler thanked Ms. McCoy and asked if anyone else wished to speak in opposition. Dr. Richard Orsi, indicating he is a county physician and a member of Physicians Associates for Responsibility and the secretary/treasurer of the Capital District Chapter. He said he is also a resident of the Town of Bethlehem. He said he came to speak about lead hazard mainly

but that they do not have to argue against the incinerator on the medical demerits. He said the other issues that have been pointed out here, the legal aspects, the economic aspects not necessarily for the Town but as a community in a wider sense, the economic aspects incineration fails to pass the test. He said they use lead in terms of the medical concern because they know the best about it. He said they know about lead because it poisons children, known about this for years. He further said there are other poisons that are turned out by this plant, such as heavy metals, dioxins, poisonous gases, acid gases and particulates. He said they do not have as much information on the adverse effects of those items as they do with lead. He said when they started in medicine about 10 years ago, the level that was allowed in children before they would get start getting worried about treating, was about 40 micrograms per decileader. He said a microgram is one-one-millionth of a gram, there are 5 grams in roughly a piece when its lead. He said he would return to this in a minute.

Dr. Orsi said CDC came out late last year and said that the allowable level is now 10 but below this is what they want. He said actually according to the pediatrics society, stated a child with lead poisoning from age 7, lead has no biological value thus the ideal whole blood lead level is 0. He said just to give an idea of what he is talking about in terms of the concerns about lead poisoning. He said to give the Board an idea of how much lead is going to come out of this plant, if you assume a child about 1 year, 20 lbs., 10 kilograms, about 100 deciliters is fine. He said these are very rough figures. He said Refuel has claimed they will only be putting out 10 lbs. of lead a year out of their Green Island facility. He said that is a conceivable figure. He said Energy Answers admits to in the range of 2 thousand lbs. a year for their SEMASS facility and that would translate into 1,000 lbs. a year for the Cabbage Island facility. He said that turns out to be 450 grams per lb. per year while the Refuel plant for a 20 lb. child, 10 milligrams would be a little over 100. He said that is a lot in a child. He said with that number, there would be 10 lbs. per year at 450 grams a lb., 450,000 children potentially dying from that amount of lead. He said we have 4.5 million children with new lead. He said there is 30,000 children in the capital district now that are beyond the acceptable limits. He said at 1,000 lbs. a year, the Cabbage Island facility, that would be 450,000 grams a year. He said 45 million children potentially that could die from this amount of lead or 450 million.

Dr. Orsi further commented said to make it more clearly, this is a mishmash of several different presentations he has done but he would like to quote some comments about toxicology and dealing with the unknown. He said for repeated health expert to come to this Town and say you cannot set lead standards or any toxic standards, because there is not enough known about them to say that, is standing preventive medicine and toxicology completely on its head. He said an approach from a study on toxicology, "of the millions of chemicals known to scientists and of the many thousands in pharmacy go each year to characterize toxicologically, for the vast majority two of the eliminations available to allow assessment of toxicity, many substances not yet ... likely to prove toxic, identifying these toxic chemicals is urgent in order to quantify the risks and take appropriate measures to protect the infant". He said there are hundreds per thousands of chemicals coming out of the incinerator, we do not know the effect of. He said during the summer, heavy metals are down to ... to renew their effect, they know they are not good for us. He said there is no way we should risk the known hazards, let alone the unknown hazards but in a final quote from the toxicology text, "when an uncertain but plausible risk could be catastrophic, prudence is just a presumption favoring strong controls, even at substantial costs until the risk is disproven." He said the burden is on the incinerator company to prove that the incinerator is safe, not on us to prove that it is unsafe.

Dr. Orsi said the final item would be, second to the final item, is the hypocrisy in this Town, putting an incinerator on the far eastern border, down wind, was going to blow into Rensselaer County, blow into the city of Albany, it is hypocritical for us to do that as it is for us to send our trash and our toxins to downtown Albany to be burned. He said there are other competing proposals against the Energy Answers Corporation plant, there is no guarantee that we are going to get the incinerator with the benefits of that and he thinks if we are

going to try to live by this sort of incineration, it could very well fall on our heads too. He said we should guard against incineration across the Board, in the Nassau waste setting, we should be fighting Albany's proposal, we should be preventing this engineer's proposal, we should be spreading the word about the dangers of incineration. He said it is also very critical with us, the argument that we are going to get some moral standings against a mass landfill being placed in the Town of Bethlehem. He said when in fact, we know one is being heavy lobbied. He said the press is 20 million dollars for the Town of Coeymans. He said there is a liability to this Town. He said what happens if toxicity does get through, what happens if Rensselaer County comes to us and said gee, in replacing this you have to pay out. He asked who is going to pay. He said this is environmental malpractice. He said there is a lack of ... what happens if in 5, 10 years down the line, it closes down. He said these issues should be thought about, he thinks there has not been enough discussion of this and he thinks the public is not going to be able to make an informed decision on this issue based on the information that he has seen presented by this Town at the public hearings. He thanked the Board.

Supervisor Ringler thanked Dr. Orsi and asked if anybody else wished to speak on this particular legislation.

The motion was made by Mrs. Fuller and seconded by Mr. Webster to close the public hearing at 8:40 p.m. The motion was passed by the following vote:

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

Noes: None.

  
Town Clerk

Adopt  
Resolution  
Regarding  
Special  
Election

Supervisor Ringler convened the regular meeting following the close of the public hearing. He noted the following item was consideration of adoption of a resolution to set a special election on June 18, 1992 during the hours of 8:00 a.m. to 8:00 p.m. pertaining to the solid waste and the incinerator. Supervisor Ringler noted for Mr. Secor's information, a recommendation has been made to change the wording on the ballot and asked him to explain this change.

Mr. Secor said they had submitted a draft wording for the Town Board for the special election proposition and this was discussed and it was agreed with Assistant Attorney Michael Smith to basically insert some words at the end of the one sentence saying on Cabbage Island to make the statement more specific. He said they did continue to follow the wording which is shown in Section 81 of the Town Law. He said Mr. Smith felt to get too far away from that wording would be a problem. He also noted the Task Force looked at some alternate wording and forwarded this to Attorney Smith and indicated some of the wording was put back and circulated a copy to the Board. He said the two changes were to put Cabbage Island designation and moved a couple words around in the second paragraph. He said the Task Force wording dramatically changed the wording and it did not follow the wording in Section 81 of the Town Law.

WHEREAS, the Town of Bethlehem will hold a Special Election for the purpose of a vote on the following proposition:

Shall the Town of Bethlehem as part of its waste management plan provide for the disposition of garbage, rubbish and other solid waste matter collected or generated within the Town by the disposition of such solid waste at a regional waste-to-energy incinerator plant to be privately constructed, owned and operated within the Town of Bethlehem on Cabbage Island; and

WHEREAS, the printing of the proposition including ballots, tally sheets and related materials will be printed as needed; and

WHEREAS, the said Special Election will be held from the hours of 8:00 a.m. to 8:00 p.m. on the 18th day of June, 1992; and

WHEREAS, compensation to two (2) Voting Machine Custodians will be paid at \$15.00 per machine, one machine to be located in each polling location with 4 spare machines being set up as back-ups; and

WHEREAS, the regular polling locations as follows are designated to be used for the purposes of the Special Election:

<u>ELECTION DISTRICT</u>	<u>POLLING PLACE</u>	<u>ACCESSIBLE TO HANDICAPPED</u>
1	Slingerlands Fire Hall	Yes
2	Bethlehem Public Library	Yes
3	First United Methodist Church	Yes - Separate Entrance on side towards Tebbutt's Funeral Home.
4	Elsmere Grade School	Yes - Separate Entrance on Herrick Ave. side of building.
5	Selkirk Fire Hall No. 2 Glenmont	Yes
6	Selkirk Fire Hall No. 1 Selkirk	Yes
7	Selkirk Fire Hall No. 3 So. Bethlehem	Yes
8	Elsmere Fire Hall	Yes
9	Delmar Fire Hall	Yes
10	North Bethlehem Fire Hall	Yes

<u>ELECTION DISTRICT</u>	<u>POLLING PLACE</u>	<u>ACCESSIBLE TO HANDICAPPED</u>
11	Hamagrael School	Yes
12	Bethlehem Central HS	Yes
13	Bethlehem Central Middle School	Yes - Separate Entrance to left of main door.
14	Parks & Recreation Bldg., Elm Ave. Park	Yes
15	Slingerlands Grade School	Yes - Separate Entrance on Union Avenue side.
16	First United Methodist Church	Yes - Separate Entrance on side toward Tebbutt's Funeral Home.
17	St. Stephen's Episcopal Church	Yes
18	Town Hall Auditorium	Yes - Separate Entrance at rear, east side of Bldg.
19	Bethlehem Historical Museum	Yes - Ramp Entrance on Route 144.
20	Educational Services Center	Yes
21	Elsmere Grade School	Yes - Separate Entrance on Herrick Ave. side of Bldg.
22	Glenmont Grade School	Yes
23	Bethlehem Central HS	Yes
24	Becker School (Ravena-Coeymans-Selkirk)	Yes
25	Delmar Fire District Annex	Yes
26	Slingerlands Grade School	Yes - Separate Entrance on Union Avenue side.
27	Community Room-Beth.Terrace	Yes; and

WHEREAS, the Election Inspectors as appointed June 12, 1991 and July 24, 1991 and such substitutes as appointed after these dates effective through July 14, 1992 will be asked to work at such Special Election; and

WHEREAS, such Election Inspectors shall be compensated at \$50.00 for each of two (2) shifts worked; said amount being half of the compensation set for Election Day 1991, said amount being \$100.00 per day;

NOW, THEREFORE, BE IT RESOLVED, that all of the above is hereby approved and authorized by the Town Board, this 13th day of May, 1992.

The motion was made by Mr. Webster and seconded by Mr. Ringler to adopt the resolution regarding the Special Election. The resolution was adopted by the following vote:

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

Consideration  
For Adoption  
Resolution  
Supporting  
Enactment  
of the  
Environmentally  
Sound Packaging  
Act Presented by  
BCHS Students

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The Supervisor noted the next item is consideration for adoption of a resolution supporting enactment of the environmentally sound packaging act as presented by the Bethlehem Central School District students at the last meeting.

RESOLUTION SUPPORTING ENACTMENT OF  
THE ENVIRONMENTALLY SOUND PACKAGING ACT  
(A9245 Hinchey/S6964 Spano)

WHEREAS solid waste management is a problem that all New York State communities are facing, and

WHEREAS packaging is the fastest growing component of the waste stream, comprising roughly one-third of our trash, and

WHEREAS the Town of Bethlehem supports recycling, and

WHEREAS the Environmentally Sound Packaging Act would help reduce the amount of packaging requiring disposal,

THEREFORE, the Town of Bethlehem is passing this resolution encouraging prompt enactment of this bill and so wishes to inform the Assembly Speaker, Senate Majority Leader, and Governor on Earth Day of Bethlehem's support of this bill.

The motion was made by Mrs. Fuller and seconded by Mr. Gunner that the above resolution be and it hereby is adopted and will be forwarded to the Senate Majority Leader, Assembly Speaker and the Governor. The motion was passed by the following vote:

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

Acknowledge  
Receipt  
Quarterly  
Franchise Fee  
Jan-March 1992

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Supervisor Ringler next acknowledged receipt of the quarterly franchise fee for the period of January through March 1992 in the amount of \$18,729. Councilwoman Galvin said for the record she wished to make her usual comment about the lack of substance.

Councilman Gunner asked if there is any additional information pertaining to when a conclusion will be reached in regard to the negotiations. Supervisor Ringler said hopefully tomorrow, indicating there is a meeting scheduled for May 14. He said, however, they were supposed to send the information for review four days ago and as of this date, they have not had a chance to review it. He said he is not optimistic about a tentative agreement being reached.

Accept Donation  
from Ponemans  
In memory of  
Abraham Poneman

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Supervisor Ringler noted the next item was a request from David Austin, Administrator of Parks & Recreation Dept. pertaining to acceptance of a donation from Roberta and Sylvia Ponemon in memory of Abe Ponemon.

The motion was made by Mr. Gunner and seconded by Ms. Galvin that the donation of \$185.00 for purchase of a park bench for the Elm Avenue Park by Roberta and Sylvia Ponemon in memory of Abe Ponemon be and it hereby is accepted. The motion was passed by the following vote:

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

Supervisor Ringler noted he would send a letter thanking Mrs. Ponemon for this donation.

Following, according to Supervisor Ringler, was a request from Richard J. LaChappelle, Chief of Police, regarding the disposal of firearms. He indicated they have received the new Glock weapons and are currently making plans for training and as each officer becomes certified in their use, the new weapons will be put in use gradually.

Disposal of  
Surplus  
Firearms  
Police Dept.

The motion was made by Mr. Webster and seconded by Mrs. Fuller that the .357 magnum S&W revolvers be declared surplus and it be approved for them to be disposed of at the salvage price in a manner that is best suited to Town and Departmental needs as determined by the Chief of Police. The motion was passed by the following vote:

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

Noes: None.

Councilwoman Galvin had one question, commenting she noticed that the proposed disposal is at the rate of \$130.00 each, asking if there were any other offers submitted on this. Supervisor Ringler said as he understands this, this is part of the trade-in on the new weapons. Councilman Webster said there was some talk at budget time, when Chief Currie was trying to dispose of them and the trade-in was the best price that he received. Mr. Webster further noted this was given to the Town Board in August or September at budget. Councilwoman Galvin remembered the talk at budget time but she did not know what the resolution had been.

The motion was made by Ms. Galvin and seconded by Mr. Gunner that the repayment of overpayment of water rents be and it hereby is approved for the month of April in the amount of \$5.58 as per the list on the Memorandum from the Receiver of Taxes dated May 6, 1992. The motion was passed by the following vote:

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

Noes: None.

Refund of  
Overpayment  
Water Rents  
April 1992

Supervisor Ringler said the next item was a request from the Chief of Police, Richard J. LaChappelle, for authorization for Sergeant Roberts and Telecommunicator Bartkus to attend a conference in Montour Falls, NY.

The motion was made by Mr. Gunner and seconded by Ms. Galvin that Sergeant Paul Roberts and Telecommunicator Maureen Bartkus be and they hereby are approved to attend a conference on Emergency Command and Management: Hazardous Materials in Montour Falls, NY May 18-22, 1992 with registration and travel expenses including the use a police vehicle being paid. The motion was passed by the following vote:

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

Noes: None.

Approve  
Attendance  
Telecommunicato  
Conference  
Hazardous  
Materials

Approve  
Seasonal  
Personnel  
Parks & Rec.  
Dept.

Following was a request from David Austin, Administrator of Parks and Recreation Department, according to Supervisor Ringler for the approval of appointment of seasonal personnel.

The motion was made by Mr. Gunner and seconded by Mrs. Fuller that the personnel listed on the memorandum from David Austin, Administrator of Parks & Recreation Department, dated May 13, 1992 and on file in the Town Clerk's Office, be and they hereby are approved for appointment. The motion was passed by the following vote:

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

Approve Sale  
1985 Thomas  
Mini-bus  
As Surplus

Next was a request from Karen Pellettier, Director of Senior Citizens Services, to declare the 1985 Thomas Mini-bus as surplus and approve the sale of said vehicle to Matthews Buses, Malta, NY.

The motion was made by Mrs. Fuller and seconded by Ms. Galvin that the 1985 Thomas Mini-bus be declared surplus and be traded in on the new vehicle that Bethlehem Senior Projects has purchased to Matthews Buses, Malta, NY at a price of \$7,500. The motion was passed by the following vote:

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

Request from  
Highway Supt.  
To authorize  
signing of  
Section 284  
Agreement -  
Paving of Roads

Supervisor Ringler said the next request is from Highway Superintendent, Gregg Sagendorph to accept and authorize the signing of the Section 284 Agreement regarding paving of roads for 1992.

The motion was made by Ms. Galvin and seconded by Mr. Gunner to accept and authorize the Supervisor to sign the Section 284 Agreement regarding pavement of roads in the Town of Bethlehem for 1992. The motion was passed by the following vote:

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

Accept Resignation  
of Gregg  
Sagendorph from  
Traffic Safety  
Committee  
and  
Appointment of  
Peter Schmidt  
Appointed as  
Highway  
Representative  
To Traffic  
Safety Committee

Supervisor Ringler said next was a request from Gregg Sagendorph, Highway Superintendent resigning from the Traffic Safety Committee and recommending that Peter Schmidt be appointed as the Highway Department representative.

The motion was made by Mr. Webster and seconded by Ms. Galvin that the resignation of Gregg Sagendorph from the Traffic Safety Committee be accepted and Mr. Peter Schmidt be and he hereby is appointed to the Traffic Safety Committee as the Highway Department representative. The motion was passed by the following vote:

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

Supervisor Ringler noted next Councilman Gunner would like to make a statement regarding revaluation. Councilman Gunner indicated he spent a good part of Tuesday reviewing the tax rolls that just came in and as everyone knows, he had suggested at a previous meeting that... giving delaying it if it were

possible, deemed not possible by colleagues and so forth and we went on with it. He said in reviewing it, there were, to him, very large adjustments made already and close to 1900 parcels of land. He said the majority of those, maybe rightfully or wrongfully, he does not know, he has no idea, fall into the categories of land owners, commercial, industrial and agricultural. He said there were also those there that were for the opportunity for the residential, as well. Actually, Mr. Gunner said which actually divides them into homestead and non-homestead.

Comments  
From Mr.  
Gunner  
Regarding  
Revaluation

Councilman Gunner said that issue he want to address too. He said there has been quite a bit of discussion and letters and campaigns lobbying on that issue and he can understand that, as he can on the solid waste and hopefully, that will get it. He said he guesses he wants to take this opportunity to clear with the media and particularly with the Spotlight, that they never contacted him to ask whether he had a connection with the Board of Education at this time. He said he has been retired 4 years now, he has not been to any meetings, he never discussed anything about the homestead with any member of the Board of Education or their employees until after the vote that day. He said, however, he still thinks, at this point, the decision was right. With that, Councilman Gunner said, he will sort of augment it with a statement from -- even a man at my age can have heroes, Abraham Lincoln -- "he said he does the very best he can, he does the very best he knows how to and even if his decision works out not to his favor, a thousand angels saying he was right, is not going to change it". Mr. Gunner said that does not mean he won't change any of his decisions ever, it just is that all one person can do is the best they can have. He said the information that he and he believes the other Board members who voted with it, did have information that would say that was the applicable thing to do. He said so, he so voted that way. He said the reasons were stated and they were probably more on all issues of the people that were voting for that.

Councilman Gunner said after looking at it, he is not sure where we are. He said the Assessor has no numbers, those changes are massive, in some cases millions in reduction in some industrial situations; quarter millions and half millions in some of the recreational facilities in the Town; some of the commercials half millions, millions; some of the landowners millions and half millions; some of the residences thousands and hundred plus thousands many but the proportion that he read through and he has to admit he did not get through the 285 or 235 pages that he looked through, indicates that predominantly they are adjustments that had been made already in the industrial, commercial, agricultural and landowner classes. He is not saying they were wrong or anything like that but they were made there. He said now, that will change the whole mix. He said there were some made in the residential as well. He said the proportion compared to residential and the others in relationship to their numbers in each class, were predominantly not residential. He said the amount of money, since the others were higher in their evaluations, were not residential.

Councilman Gunner guessed that what he was saying is that reveal started with him with a hope that there would be some equity brought into the community. He said he was disappointed in the way -- personally, not speaking for the Board at all -- and some of the things that happened during the revaluation. He said he kept on being told that is normal for them to be 15 percent off. He said he would hate for his doctor to be 15 percent off. He would hate for the accountants to be 15 percent off. He said he also realizes it is a very complex situation and he has a tolerance for some errors and adjustments and you got different people and some of them may not even be professional who were gathering the data, he was sure they were well meaning people. He said however, they were late with their March notices, and he noticed there was a letter explaining that from the Assessor in the Town Board members folders tonight but he has not had a chance to read it thoroughly, and

also they were late -- he still has not received his, he did not know if the other people have for the May 1 one, indicating he was told April 30 by Finnegan, so that has not come in.

Councilman Gunner said he guessed he is concerned, where we go in our decision making, where are we, what is going to happen. He said he has no idea and he has spent a lot of time looking at it. True, he noted he may not have the expertise and incisive view that somebody who is trained in that area is, but he just thinks that the community should start thinking of waiting for things to shake out and then we will find out. Councilman Gunner noted he honestly believes that when we received our statement and saying our taxes are going to go up or down, certain amounts, that is a very inaccurate science, a very inaccurate statement. He said he thinks by all means they will be higher than that just from the very taxation that is being added. He said he thinks this is very normal. He said he guesses that what he is saying is that he would like the community to be tolerant, to be watchful, waiting -- those of you who have any arguments, certainly should get the grievance in or go make your grievance -- he will be there to do his -- and he will not leave his citizenship because he is on the Town Board, he would tell right now -- he would be a citizen of the community before he would be a member of the Town Board. He said if he had to give up any of his citizenship to serve on the Town Board, he would give it up -- snapping his fingers -- that way. He said the same in any other part of his rights.

Councilman Gunner said he is asking the community and the Town Board to be open, certainly protect your rights but to be aware that at this point, he is not sure and he does not think from all the people he asked, they know where it is going to come down. He thanked every one very much.

Supervisor Ringler thanked Councilman Gunner.

Approve  
Town Board  
Minutes

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Supervisor Ringler noted next item is to approve the Town Board minutes of March, 27, 1992 which were distributed on April 22, 1992.

Councilman Gunner said he would like to make a statement that normally when it is on the agenda and he knows it, he reads very closely over the minutes that were projected. He said they get them sometimes and sometimes they may not act on them for a week to a month and this was just put on. He said if the vote comes up he will abstain not that he has not read them but he has read them probably as soon as they were received, about 3 weeks ago, and he did not even prepare to ask questions on them. Supervisor Ringler then noted he would entertain a motion to table this until the next meeting.

The motion was made by Mr. Gunner and seconded by Ms. Galvin to table approval of the minutes of March 27, 1992 until the next meeting. The motion was passed by the following vote:

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

Noes: None.

Appoint  
Special  
Counsel To  
Sewer District

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The Supervisor noted the next item was a recommendation from Bernard Kaplowitz, Esq., Town Attorney, for appointment of Special Counsel to the Bethlehem Sewer District.

The motion was made by Mr. Gunner and seconded by Mr. Webster that Mr. Chris Barker, be and he hereby is appointed to the position of Special Counsel to the Bethlehem Sewer District on a claims basis. The motion was passed by the following vote:

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

Noes: None.

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The Supervisor indicated there was a need for an Executive Session following the regular meeting to discuss pending litigation.

Executive  
Session To  
Discuss  
Pending  
Litigation

The motion was made by Ms. Galvin and seconded by Mrs. Fuller that an Executive Session be held following the regular Town Board meeting to discuss pending litigation. The motion was passed by the following vote:

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

Noes: None.

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Supervisor Ringler asked if there was anything anyone wished to bring to the attention of the Board.

Mrs. Dorothy Alliger addressed the Board in regard to the reassessment on taxes, Mr. Gunner. What she was interested in was that she knows in this Town, you know, there are so many activities that are fine for senior citizens, such as having access to the vans when they need medical attention or appointment or social activities, also the high school and gives discounts to seniors as well as they are entitled to the park activities. However, she said, what they are not receiving is the same consideration from the owners of most of the apartments in the Town. Yearly increases in rent, according to Ms. Alliger, seems to be the normal procedure and with little or no improvement on the facility. She said where she lives, she is not criticizing the landlord, she lives him personally, she means as to the other aspects of your questions but she means it does not seem right, people her age, people living in supposedly nice places have to be responsible for cleaning halls and so forth or portions of halls. She said she just wondered if there was a code, there is a code for everything and asked if there is a code covering landlords -- well, she thinks there should be. She said she means, the majority of people living in the apartments are really older people.

You know, just another comment, she guesses, Mrs. Alliger said she was reading the Spotlight recently and she does not know the young lady who wrote the article but she was so pleased that there has been this reassessment. But, she doubts that many of these people working today, the salary they demand, started working for the Telephone Company, like she did years ago but \$11. a week. And, she said a lot of that had a bearing on pensions that are receiving and she noted her rent has doubled since she moved in. She said she thought when she moved in, she knew what her pension was going to be -- which wasn't going to be tremendous -- but she worked so long that her social security helps her. She said anyway, what she thought when she moved into the apartment was that -- what she was going to pay and what was requested for the rent and then she figured well, gee she might have a little money left over in case she needs a new car. She said her car in Town is the one with the rust on both sides. But, you know, she said she thinks something should even be -- an article should be put in the Spotlight just letting these landlords know how people feel. She said it is not just her. Supervisor Ringler asked Mrs. Alliger if she lets her landlord know how he feels. She said he must know, she said she just got another increase -- it has been dribs and drabs ever since she lived there every year. She said he always brags that he hopes that... well, you know, he hopes we don't mind... but what are they going to do. She said she called tonight, there is an apartment up at Village Green, \$600., so she did call because she likes those apartments. But, she asked if that includes heat and it does

not. She said you know, a lot of people do not have that kind of money. She said she was talking to a very fine gentleman who lives near her in a duplex and his wife and he neither are real well. She said they are very lovely people and probably do not even want to admit they are a little bit troubled about expenses and things, you know. But, she said, you know they are having kind of severe medical problems and so forth.

Mrs. Alliger said she just thinks that there is an article about every darn thing, about home owners and everything, what about the people who live in apartments, she just thinks there should be some kind of a wording that people are fed up with this landlords. Supervisor Ringler said one of the things, as everyone knows, they have been trying to attract some lower income housing to the community to meet the needs of those that... Mrs. Alliger said she does not want to live in that kind of a place. She said she does not think they should be forced out... she has lived here since 1946 and she does not think that they should be forced to live... she said she brought her daughter up alone so she means there were times when she, before she got back to the Telephone Company the second time, that she worked two jobs in order to make ends meet. She said she does feel she should be forced into one of these high-rise or down there on Rockefeller Road and another thing, just because she lives alone, she has to have a one bedroom apartment, doesn't it occur to them that she might like to have her grandchildren come stay... she means, you know, there is discrimination right there. As she said, she does not want to live in one of those places.

Councilman Gunner said he was very happy to hear Supervisor Ringler talk about some moderate to low income housing. He said he assumes the Supervisor means in our community because that is his only jurisdiction, so she thinks Mrs. Alliger may have mistaken that. He said he does not think the Supervisor is looking for anybody... urge them to go out of town, it was just the opposite. He said he was happy to hear this because we do not have enough active interest in this as a community because almost everything that goes up --- and maybe there is some way that the IDA could get something going with that for. -- or without the IDA by the Town's own self financing, then we could help our own residents possibly.

Mrs. Alliger said it is not that they are so destitute that they cannot pay for the normal things but gee, they would like to have some money... hey, she likes vacations just as well as anybody else, you know. Supervisor Ringler thanked Mrs. Alliger. Councilman Gunner said he agrees with Mrs. Alliger.

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Supervisor Ringler asked if anybody else wished to speak. Mr. Sherwood Davies said just two quick comments. He said one regarding revaluation and the other on the incinerator. Mr. Davies said he does not think Finnegan Associates were up front with the Town. He said he has met with them on three different occasions and got a number of different stories and they were not really truthful. Supervisor Ringler asked Mr. Davies to use the microphone so everyone could hear.

Mr. Davies said as an example, they said they will get out in the mail May 1 your reconsideration and indicated it has not been received yet. He said he understands it is being mailed Friday, but this is just an example. He said he thinks there is a generic problem that he thinks the Town Board has got to face up to, and that is that Finnegan Associates, as he understands it, did not consider whether a property was in sewer district or water district or not. He said this is a tremendous difference in the evaluation. He said the land assessment is extremely important on the new assessment rolls. He said on the old assessment land was about 8 percent of the total assessment, indicating today the land is about 26 percent. He said in looking at the acreage on an acreage basis,

the land in his particular area is assessed for \$157,000 an acre, goes down to Adams Station and lots down there are \$24,000 to \$25,000 an acre. He said he thinks this is a generic problem that has to be looked at. He said down there they have underground utilities, he has above ground utilities, electric lines both front and back of his house, it is unsightly and he thinks there has got to be some look see at this problem.

Mr. Davies said the second point he wanted to make, it is his understanding that on the presentation and there were 3 or 4 that it was going to discuss the environmental health and safety impact of the incinerator. He said he generally followed the ANSWERS brochure and quite frankly, that is a Madison Avenue sales pitch on behalf of the incinerator operator because he heard essentially nothing on the environmental impact, health impact and he feels that the Board let the residents down a little bit when that statement was made. Supervisor Ringler said he was sorry, he misunderstands what Mr. Davies is saying. Mr. Ringler said there is going to be a forum at the Bethlehem Central High School -- asking Mr. Davies if he is talking about the presentations that were made. Mr. Davies said he was speaking about presentations with regards to incineration. Supervisor Ringler said the presentations have been made by the Solid Waste Task Force and indicated on June 4th there is a forum at the Bethlehem Central High School to debate and to hear both sides of the issue on incineration. Mr. Davies said then if a person had attended a previous meeting and they have an interest in the health and safety, they should be attending that meeting. Supervisor Ringler indicated yes. Mr. Davies said he thinks it should be clearly spelled out, clearly, otherwise it is a little disservice. Supervisor Ringler said this is okay. Councilwoman Fuller asked if this was the Spotlight sponsoring this forum. Supervisor Ringler said yes it is.

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Mr. Rigberg said Mr. Davies prompted his question. He said it was their understanding that the Bethlehem Report is going to be preparing information about the Solid Waste Task Force proposal and it is his concern that health and safety issues will not be addressed in that document either. He said but, what ability do people who are concerned about health like Dr. Orsi, have to have their point of view expressed and sent to Town residents -- the Town is paying for this he understands -- he thinks it is an obligation to present all aspects of the incineration issue to the residents if the Board expects them to learn about a very complicated issue in such a short time. He said the Task Force has been looking at this for years and now within a month the Board expects the whole Town to understand the issues. He asked so what ability do the people who are interested in health issue have to have their statement in this document that is going to be mailed to the Town residents. Supervisor Ringler said he does not know, this report is a report of the Solid Waste Task Force, it is not supposed to be a debate on the issues. He said that is his view of it and asked Mr. Secor if he had any thoughts on it.

Mr. Bruce Secor, Chairman of the Solid Waste Task Force. Dr. Orsi said as you know, the Solid Waste Task Force has chosen not to look at health issues and yet it is obvious to him that this should be given consideration. Supervisor Ringler said he senses Mr. Orsi is certainly getting his viewpoint out in the media and the residents are being made very aware of his viewpoint on the issue. Mr. Rigberg said as the Town Board knows, the Spotlight... Supervisor Ringler said he thinks there might be other people with different opinions on this. He said he does not think this publication could be opened to a debate and have all the sides represented because he does not know where all the sides are to be honest. The Supervisor said this is his gut reaction at this point, indicating he will give it some consideration. Mr. Rigberg said during the forum to discuss... it is obvious that you met

with the Spotlight and developed a scenario for the forum and it is determined that two people in favor of incineration, one person against incineration participating in that forum. He said to say there will be an equal opportunity is really not accurate and also the articles in the Spotlight, the Spotlight's approach is very pro incineration. He said they get letters to the editor but to say they have a full access is not accurate. He understands that it is the Board's approach to promote the facility.

Mr. Rigberg said the other question is that now that you have amended the language of the special election proposition just give Cabbage Island. He asked if it was the Board's intention that if an application comes along, an applicant wishes to site an incinerator in another part of Town, you will have another special election dealing with just that part of Town. He asked at what point will they decide this should be a generic proposition. Supervisor Ringler said he thinks that the proposition was narrowed down just to alleviate the fears of some who were saying that this was just going to be a broad issue so that the Town would then go ahead and site any place in Town. If anything, Supervisor Ringler said, if anything, he thinks they would be in favor of a more limited description of the location. Mr. Rigberg said it seems to pit a large part of Town against the part of Town that would have to endure the impacts of the incinerator. He said since fewer people live where you have decided to put it, so it would be an unfair.... Supervisor Ringler commented to Mr. Rigberg that somehow no matter what the Town Board did, he would not be satisfied. Mr. Rigberg said no.

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Supervisor Ringler next acknowledged Mr. Jack Porter. He asked because Finnegan Associates if almost 2 weeks late getting out the letters, is the time for grievance being postponed also. Supervisor Ringler said it is going to be extended. He said the rolls are expected tomorrow and the grievance procedures will start on May 26th and it is anticipated to go at least June 1st and beyond if necessary. Mr. Porter asked where he could get information on what they revalued houses at. He asked if they revalued every house in Bethlehem, exactly with the same formula. Supervisor Ringler asked Mr. Lastra to address this issue. Mr. Lastra said they would look at the complaint and reevaluate it. Mr. Porter said when they evaluated the house, asking if they looked at a house on his street or the house 3 blocks away with the exact same formula and evaluated it. He said like purchase price, what it is worth now, square footage. Mr. Lastra said this was right. Mr. Porter said if he has a house worth \$200,000. and someone has one worth \$600,000., they are going to pay 3 times what he is paying. Mr. Lastra said that is the idea. Mr. Porter said that is the idea or what -- if it is full value assessment and if he has a house worth \$200,000. and he is paying say \$100. a year and they have a house worth \$600,000. they should pay 3 times what he is paying. Supervisor Ringler said if that is what their assessment is, that is what will happen. Mr. Porter again asked how do they value that, what formula did they use, did they go by purchase price or what it is worth now. Supervisor Ringler said what it is worth now. Mr. Porter said purchase price has nothing to do with it. Supervisor Ringler said it is a factor if it was just purchased within a very short period of time. Mr. Porter said he understands, rating factors. He asked what it is worth now is what it is based on, right. Supervisor Ringler said yes. Mr. Porter said every house in the Town was evaluated the exact same way. Mr. Ringler said that is what the intent is. Mr. Porter said square footage has nothing to do with it. Mr. Kaplowitz said it does. Mr. Ringler said that is a factor. Mr. Porter said it is what the price the house is worth is. Mr. Ringler said yes. Attorney Kaplowitz said that and other things like the number of bedrooms, bathrooms, all kinds of things. Mr. Porter said that is square footage. Mr. Kaplowitz said yes but all those things are worked into it and then they used

comparables, hopefully, of recent sales. He said this is probably the whole significance of it. Mr. Porter said basically it is the selling price of it. Mr. Kaplowitz said it is meant to be what it is worth now, that is the intention. Supervisor Ringler asked Mr. Porter for his name, for the record.

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Supervisor Ringler asked if there was anything else. There was nothing else. The motion was made by Ms. Galvin and seconded by Mrs. Fuller to adjourn the Town Board meeting at 9:15 p.m. The motion was passed by the following vote:

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

Noes: None.

*Kathleen A. Newkirk*  
Town Clerk

NO ACTION WAS TAKEN AT THE EXECUTIVE SESSION.