

TOWN BOARD
NOVEMBER 24, 1992

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

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

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SUPERVISOR RINGLER: Good evening, like to welcome everybody to a regular business meeting of the Bethlehem Town Board. In particular, I guess we have some students here from Participation in Government, welcome. This is a regular meeting of the Board. It is not a public hearing tonight but as we do our work, if time permits when the Board is done with their discussion if anyone would like to raise their hand and ask a question, you are welcome to do so. At the end of the meeting anyone who would like to bring anything to the attention of the Board may do so. The first item on the agenda is remove from the table and discuss proposed resolutions in regard to the Kruger contract. Entertain a motion to remove that from the table.

The motion was made by Ms. Galvin and seconded by Mr. Gunner to remove from table discussion of proposed resolutions in regard to the Kruger contract. 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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Okay, since our last meeting, Mike Smith has done some research on the questions that were raised and these were given to the Board. Does the Board have any further questions?

COUNCILWOMAN GALVIN: I have a couple. Mike, I notice in your response in your memo you point out in sub c, question and answer -- I agree it has to go to a responsible proposer and responsive but going over to the second page, you indicate that the negotiations did not materially change any of the FRFP requirement for paper recycling. I thought that the FRFP was for all types of recycling and not just paper.

MR. SMITH: That was one of the options, Sheila, that is correct.

COUNCILWOMAN GALVIN: When we had the last special Town Board meeting, you had been going to check into what the time frame was and what the time reference was on the changes that were negotiated -- at what point they occurred.

MR. SMITH: Sheila, they were negotiated, as I said the last time based on this, they were negotiated within the times that we discussed, after the draft RFP.

COUNCILWOMAN GALVIN: After the draft RFP and before the award of the bid?

MR. SMITH: That is correct. Sheila, we are satisfied based upon the inquiries here they were fully complied with.

COUNCILWOMAN GALVIN: It was before the award of the bid.

MR. SMITH: That is correct.

COUNCILWOMAN GALVIN: I went back and looked over the minutes that we just received today from the prior meeting, not the special meeting,

the one before that and in that you had indicated that both the Kruger and the New Options had submitted bids in response to the RFP.

MR. SMITH: My understanding, Sheila, is that at that time, I think I made it clear that Michael Greco from our office had looked at New Options. I am not certain... my understanding is now is that New Options submitted whatever they submitted as a 103 bid after, long after the RFP. So, they clearly did not comply with the 120W.

COUNCILWOMAN GALVIN: See, that is what had me confused, was at that first meeting I thought it was your understanding that there were 2 bids. When I went back and read the minutes that we received today, it looked like there were 2 bids.

MR. SMITH: That was my understanding but that was at the August which I was 250 miles away. Looking back at Mike Greco's analysis, the material that had been provided by Bruce and looking into it, they submitted their bid directly to the City long after the RFP. So that's a totally separate issue right now.

COUNCILWOMAN GALVIN: Yes, that clears up a lot of the problem.

MR. SMITH: If I confused anybody, I certainly apologize to them.

SUPERVISOR RINGLER: Any more questions? There were none. Then I suggest we move this along. First item would be then to adopt the negative declaration. Anyone wished to offer that resolution.

RESOLUTION
TOWN BOARD OF THE TOWN OF BETHLEHEM
ISSUING A NEGATIVE DECLARATION FOR AWARD OF
CONTRACT TO KRUGER RECYCLING, INC. FOR MATERIAL RECOVERY SERVICES

Negative
Declaration
For Award
of Contract
To Kruger
Recycling, Inc.

WHEREAS, the Town has proposed to enter into a Service Agreement with Kruger Recycling, Inc., (KRI') through which the Town will obtain the vital material recovery services needed to meet the Town's commitment to carry out its Solid Waste Management Plan, as well as the State's recycling mandate and policies, to the fullest extent possible; and

WHEREAS, the City of Albany was established as lead agency for purposes of the State Environmental Quality Review Act ("SEQRA") in regard to KRI's provision of services to members of the ANSWERS planning unit; and

WHEREAS, the City, pursuant to SEQRA, completed a full Environmental Assessment Form (the "FEAF") in connection with the Service Agreements between the members of the Planning Unit and KRI, and the City has reviewed said FEAF; and

WHEREAS, the City planning board conducted a review of the Kenwood Business Park, the location of the KRI materials recovery facility, pursuant to SEQRA, and prepared a Generic Environmental Impact Statement (the "GEIS") and findings statement with respect to the Kenwood Business Park; and

WHEREAS, in connection with the issuance of a 6 NYCRR Part 360 permit to construct KRI's facility, the NYS Department of Environmental Conservation issued a negative declaration under SEQRA, finding that the construction of the facility would not have a significant environmental impact; and

WHEREAS, the Town has received and reviewed the FEAF prepared in regard to KRI's provision of services to the Planning Unit under this Service Agreement; and

WHEREAS, the Town finds the FEAF, Parts 1 and 2, to be true and correct and to accurately identify the areas of concern as required by SEQRA; and

WHEREAS, the Town has also considered the criteria for determining significance as set forth in 6 NYCRR 617.11; and

WHEREAS, the Town having deliberated over the facts and materials set forth above and the Notice of Determination of Non-Significance, attached as Exhibit "A" of this Resolution and after having full and open discussion;

NOW, THEREFORE, IT IS

RESOLVED, that this action is an unlisted action under SEQRA 6 NYCRR 617.2(kk); and be it further

RESOLVED, that this action will not have a significant environmental effect and that the Notice of Determination of

Non-Significance, attached as Exhibit "A", accurately reflects the material facts and the reasons why an environmental impact statement need not be prepared; and be it further

RESOLVED, that the Notice of Determination of Non-Significance attached as Exhibit "A" shall be filed in regard to this action; and be it further

RESOLVED, that the Town Clerk shall file the Notice of Determination of Non-Significance as required by law.

The foregoing resolution was offered for adoption by Mr. Webster, seconded by Mrs. Fuller and passed by the following vote:

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

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TOWN BOARD OF THE TOWN OF BETHLEHEM
CONCERNING THE PROVISION OF MATERIALS
RECOVERY SERVICES BY KRUGER RECYCLING, INC.

Award
Contract
Materials
Recovery
Services
To Kruger
Recycling, Inc.

WHEREAS, the Town of Bethlehem (the "Town"), along with the Cities of Albany, Cohoes, Watervliet, Rensselaer, and Schenectady, the Towns of Berne, Coeymans (including the Village of Voorheesville), Rensselaerville, and Westerlo, and the Villages of Altamont and Green Island comprise the ANSWERS Wasteshed Planning Unit (the "Planning Unit"); and

WHEREAS, the Town wishes to meet the requirements of New York State's mandatory recycling laws and policies, and to carry out its local Solid Waste Management Plan, through source-separation, materials recovery services and marketing of recyclables; and

WHEREAS, certain members of the Planning Unit have designated the City of Albany (the "City") and the City has acted as agent for purposes of procuring materials recovery services and services regarding the marketing of recyclables for the Planning Unit and its members; and

WHEREAS, pursuant to General Municipal Law Section 120-w, the City issued a Request for Proposals ("RFP"), evaluated the proposals received, and negotiated a service agreement (the "Service Agreement") with Kruger Recycling, Inc. ("KRI") for materials recovery services and services regarding the marketing of recyclables; and

WHEREAS, pursuant to the requirements set forth in General Municipal Law ("GML") Section 120-w, the City, as agent for certain members of the Planning Unit, has selected Kruger Recycling, Inc. ("KRI") as the most responsive, responsible proposer responding to the RFI, and awarded a contract to KRI for the provision of materials recovery services and services regarding the marketing of recyclables; and

WHEREAS, the City has undertaken to publish notice of the award as required by General Municipal Law Section 120-w; and

WHEREAS, the City was established as lead agency for purposes of the State Environmental Quality Review Act (SEQRA) and regulations, N.Y. Evtl. Conserv. Law, Art 8 (McKinney 1984 & Supp. 1992); 6 NYCRR Part 617, pursuant to the approval of certain members of the Planning Unit; and

WHEREAS, the City, pursuant to SEQRA, has completed a full Environmental Assessment Form (the "FEAF") in connection with the Service Agreements between the members of the Planning Unit and KRI, and the City has reviewed said FEAF; and

WHEREAS, THE City Planning Board conducted a review of the Kenwood Business Park, the location of the KRI materials recovery facility, pursuant to SEQRA, and prepared a Generic Environmental Impact Statement (the "GEIS") and SEQRA findings with respect to the Kenwood Business Park; and

WHEREAS, in connection with the issuance of a 6 NYCRR Part 360 permit to construct KRI's facility, the NYS Department of Environmental Conservation issued a negative declaration under SEQRA reflecting its review of KRI's solid waste operation;

WHEREAS, there have been discussions between the attorneys for the Town and KRI concerning concerning the impact on the Town should it cease to be a member of the Planning Unit; and

WHEREAS, the Town has reviewed and taken note of these prior relevant discussions and SEQRA reviews, has reviewed the FEAF and has issued a negative declaration which is made a part of this resolution by reference; and

WHEREAS, the Town, after review of the proposal and Service Agreement, wishes to award a contract to KRI and wishes to ratify and approve the actions of the City, including the selection of KRI as the lowest responsive, responsible proposer and the publication of notice of the award; and

WHEREAS, each Planning Unit member proposes to execute individual Service Agreements with KRI;

NOW, THEREFORE, BE IT RESOLVED, that the Town hereby finds that the proposed provision of materials recovery services, and services regarding the marketing of recyclables by KRI will enable the members of the Planning Unit to meet the requirements of New York State's mandatory recycling laws and policies, and carry out the Planning Unit's local Solid Waste Management Plan through source-separation, materials recovery services and services regarding marketing of recyclables; and be it further

RESOLVED, that the Town further finds that (1) the execution of the Service Agreement with KRI is in the best interest of the Town; (2) the Service Agreement is the most responsive proposal to the RFP; and, (3) KRI is a responsible proposer; and be it further

RESOLVED, that the Town hereby awards a contract for materials recovery services to KRI, as set forth in the Service Agreement; and it is further

RESOLVED, that the Supervisor of the Town shall be, and hereby is, authorized to execute the Service Agreement between KRI and the Town, substantially in the form presented to the Town Board, as well as such other documents that are necessary to effectuate the Service Agreement, all with such changes as may be approved by the Town Attorney; and be it further

RESOLVED, that the Town hereby finds that the designation of the City as lead agency for purposes of a coordinated SEQRA review was in the best interest of the Town and hereby ratifies and approves the designation of the City as lead agency for purposes of SEQRA; and be it further

RESOLVED, that the Town hereby finds, approves and ratifies each of the following actions of the City; (i) the selection of KRI as the most responsive, responsible proposer for award of the contract, (ii) the publication of the notice of the award of the contract to KRI as may be required by General Municipal Law Section 120-w, (iii) the determination of the City, as lead agency, that the execution of the Service Agreement by the individual members of the Planning Unit is an unlisted action under Section 617.2 (kk) of SEQRA, and (iv) the publication and filing by the City, as lead agency, of notice of the negative declaration pursuant to SEQRA; and be it further

RESOLVED, that the Town hereby identifies the Supervisor as the individual to be contacted for further information, and hereby authorizes the Supervisor to execute any instrument or to take any other necessary or desirable action in furtherance of these resolutions, the execution of any such instrument and the taking of any such action to be conclusive evidence of the necessity or desirability thereof; and be it further

RESOLVED, that the Town hereby authorizes the Town Clerk to take all actions necessary to file this Resolution and give such notice or notices hereof as may be required by law or regulation.

The foregoing resolution was offered for adoption by Mr. Webster and seconded by Mr. Gunner and passed by the following vote:

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

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The motion was made by Ms. Galvin and seconded by Mrs. Fuller to authorize the Supervisor to sign the amendment to withdraw from the Planning Unit. The motion was passed by the following vote:

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

Authorize
Supervisor To
Withdraw From
Planning Unit

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The motion was made by Mr. Webster and seconded by Mrs. Fuller to authorize the Town Clerk to publish the Notice of Award as follows:

NOTICE OF THE AWARD OF A CONTRACT TO
KRUGER RECYCLING, INC.

On June 15, 1992, the City of Albany, a s agent for the members of the ANSWERS Wasteshed Planning Unit, and on November 10, 1992, the Town of Bethlehem awarded a contract to Kruger Recycling, Inc. pursuant to section one hundred twenty of the General Municipal Law for the provision of materials recovery services to the members of the ANSWERS Wasteshed Planning Unit. The validity of this contract or the procedures which led to its award may be hereafter contested only by action, suit or proceeding commenced within sixty days after the date of this notice and only upon the ground or grounds that: (1) such award or procedure was not authorized pursuant to that section; or (2) any of the provisions of that section which should be complied with at the date of this publication have not been substantially complied with; or (3) a conflict of interest can be shown in the manner in which the contract was awarded; or by an action commenced on the grounds that such contract was awarded in violation of the provision of the Constitution.

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: Thank you, Michael.

MR. SMITH: Thank you.

Acknowledge
Receipt of
Final Plat
Cedar Ridge
Subdiv.

SUPERVISOR RINGLER: Next I would like to acknowledge receipt of a Certificate of Final Plat for the Cedars Ridge Subdivision, Phase 1, Orchard and Fisher Boulevard.

COUNCILWOMAN GALVIN: Can I ask a question on that? On page 4 of the material that we received there is a reference at g subdivision 2 where it indicates prior to the issuance of any building permits, going down to sub 2, for any lot whole outside the boundaries of the Bethlehem Sewer District and/or Water District No. 1, the Town of Bethlehem Districts must be extended to the full extent of the approved area of the subdivision or permission must be granted by the Town Board allowing sanitary sewer service and/or water service to be provided to such lots. Are there any of the lots that are outside, wholly outside the boundaries of the Sewer District and which are not in an approved area?

MR. SECOR: Yes, a portion of the subdivision is in the Sewer District and a portion is the Water District. The paper work is coming forward to us for the request for the district extension. That was covered in the draft environmental impact statement that was done for the project and it was fully coordinated with all the other review that was done. The first approved section is 23 or 24 lots and a portion of those is in, a portion is out. So, that... the extension is going to look at an area -- when the original boundaries for the district were drawn, it just went across vacant property. So, it kind of wiggles... it goes... it is this long straight line but it cuts a number of properties in parts and pieces. So, with the description... is going to be take in some of Cedar Ridge land and some of other properties in order to clean up that area and make it, you know, apply to the existing boundaries as they are now.

COUNCILWOMAN GALVIN: Because my concern is the way this is worded, it in effect binds us to an extension and I really would be concerned about knowing exactly what the area is to be...

MR. SECOR: No, and again, that is coming forward to the Board and it was part of the coordinated SEQOR review that they realize that these are... they are all single family lots, houses on large lots, it is an area adjacent to the Sewer District. The 16 inch water main goes directly through the middle of the project. It is just that it is an area that was not incorporated in the district at the time the 16 inch transmission main was built.

COUNCILWOMAN GALVIN: Well, see what bothers me is the language of this -- and I know it is not your language, I understand that...

MR. SECOR: No, read it again, I don't understand...

COUNCILWOMAN GALVIN: It says, prior to the issuance of any building permits for any lot wholly outside the boundaries of the Bethlehem Sewer District and/or Water District No. 1 of the Town of Bethlehem. The districts must be extended to the full extent of the approved area of the subdivision or permission must be granted by the Town Board allowing sanitary sewer service and/or water service to be provided for any such lots.

SUPERVISOR RINGLER: We are not saying we must issue... have the water district, they are saying before they will issue a building permit...

COUNCILWOMAN GALVIN: Building permits.

SUPERVISOR RINGLER: The Town Board would have to take that action.

MR. SECOR: The Town Board must approve it.

COUNCILWOMAN GALVIN: I just don't... it indicates the way this is worded...

SUPERVISOR RINGLER: They can't force us to extend the Water District.

COUNCILWOMAN GALVIN: My concern is the fact that this is an approval that is being given to them and if we...

SUPERVISOR RINGLER: But, it is a conditional approval.

COUNCILWOMAN GALVIN: My consideration were to fail to provide it, I for one, if I were in their shoes, would come back flapping this and saying it must be extended or permission must be granted.

SUPERVISOR RINGLER: And, it must be in order for them to be issued a building permit.

MR. SECOR: I don't think, again, the intent the way it is written -- is that they are not eligible for a building permit until either that occurs or the Town Board approves the connection.

COUNCILWOMAN GALVIN: I have no problem with your language, Bruce, I have...

MR. SECOR: That is what that is supposed to say.

COUNCILWOMAN GALVIN: Your language is fine. Your language is perfectly easy to understand and it is very clear, for the record. The use of the word must in both of these places, however, gives me a lot of concern. What you said is correct, it is an either... it is extended or they come in and apply and obtain it.

MR. SECOR: I still think the way it is written is correct because it says a building permit can't be issued until either that approves or the Board approves it but I understand what you are saying. The way the...

COUNCILWOMAN GALVIN: The way it is written gives me concern.

MR. SECOR: Okay, but the intent is...

COUNCILWOMAN GALVIN: You and I understand what the intent is. Somebody who wanted to litigate it and shove it down our throats could have fun with it.

SUPERVISOR RINGLER: That is what lawyers are put in this world for, try to twist everything and make everything a mountain out of a mole hill.

ATTORNEY KAPLOWITZ: I take offense.

SUPERVISOR RINGLER: I am sorry you take offense, counselor.

COUNCILWOMAN GALVIN: I don't, that is what we get paid for.

ATTORNEY KAPLOWITZ: I don't get paid for stuffing things down people's necks.

COUNCILMAN WEBSTER: It is a doctor that does that, right?

SUPERVISOR RINGLER: See any problem with that language?

ATTORNEY KAPLOWITZ: I don't really, but if you want to improve upon it.

SUPERVISOR RINGLER: All we are going... to enter into the records that we... you know, and we can enter this in the minutes, so there is no question, is that this Town Board has the discretion in extending water and sewer districts and we will exercise that discretion. And, if anyone comes and flaps it, we will flap those minutes at them. Okay?

COUNCILWOMAN GALVIN: Thank you.

Accept
Resignation
Deputy
Planner

SUPERVISOR RINGLER: Next I would like to accept the resignation of Deputy Town Planner, Diane Stepanek, effective November 30, 1992.

The motion was made by Mrs. Fuller and seconded by Ms. Galvin to accept the resignation of Diane Stepanek as Deputy Town Planner, effective November 30, 1992. The motion was passed by the following vote:

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

Authorize
Supervisor
To Sign
IBM
Contract
Police
Dept.

SUPERVISOR RINGLER: Next I have a request from Richard LaChappelle, Chief of Police, to authorize the Supervisor to sign the IBM contract for the computer aided dispatch/records management system and to consider bond resolutions for that project. The Board has received copies of the proposal and the proposed contract. We have everyone that can possibly be asked a question, I think, here tonight.

COUNCILWOMAN GALVIN: You know my ...

SUPERVISOR RINGLER: I know that, Sheila you are acting as Town attorney again, go ahead.

COUNCILWOMAN GALVIN: Heaven forbid.

COUNCILWOMAN FULLER: You don't have your yellow tabs, Sheila, it's not official questions.

Discussion
Police
Computer

COUNCILWOMAN GALVIN: I ran out of tabs, I had to dog ear, isn't that a shame. I have one question, starting on page 14, I have a couple back before that but this is one that I just didn't know whether or not there was something I had missed. Page 14, item 12, it's under 4.2 IBM will provide services under this statement of work during normal business hours 8:30 a.m. to 5:15 p.m. on Monday through Friday. Are we changing the hours at Town Hall?

COUNCILWOMAN FULLER: For some of these people, that is what I thought.

SUPERVISOR RINGLER: Well, I don't... the Police Department is here 24 hours a day.

CHIEF LA CHAPPELLE: That was their definition of the business day, we had no problem with that.

COUNCILWOMAN GALVIN: Okay. Our project manager doesn't have a problem with that and any of the other people who would be working?

MR. DAMMEYER: Nope.

COUNCILWOMAN GALVIN: No.

CHIEF LA CHAPPELLE: Also, before you go any father, I have... we have been meeting several times and we made 2 corrections that I wanted you guys to have. Excuse me. On one of the pages it refers to -- the highlighted is the changes -- laws of the State of Michigan which we changed to the Laws of the State of New York and the other thing was Mrs. Kehoe in looking at the payment schedule for IBM under the statement of work, we defined it much more closely so that it was dependent upon the approval of our project manager before any payment was made. Does everybody have a copy?

SUPERVISOR RINGLER: Any other questions?

COUNCILWOMAN GALVIN: As long as we are talking about payments, always a sore spot, there is a reference on page 36, appendix 8, project change control procedure and it refers to the Bethlehem Project sponsor will sign the PCR which will constitute approval for the investigation charges. IBM will invoice the Town of Bethlehem for any such charges. First of all, who is going to have that approval for, in effect, change orders?

CHIEF LA CHAPPELLE: There would be no approval of anything, it would be additional expense. What that refers to is anything that would be out of... in addition to the monies specified in the contract that cover changes or modifications. It would not entail any additional money without the approval of the Board.

COUNCILWOMAN GALVIN: Because I found it hard to believe they wouldn't do extra work without an extra charge. And, they were referring to the invoicing of charges.

CHIEF LA CHAPPELLE: There will be no extra charges, unless they are approved by the Board.

SUPERVISOR RINGLER: Charlie, you had a question. Sheila, are you done?

COUNCILWOMAN GALVIN: No, I have more but go ahead Charlie.

COUNCILMAN GUNNER: I have only one, if we go to the cost sheet, page 28, pricing summary, what is the amount Judi -- and maybe you could tell me -- that we have in the budget for this project?

MRS. KEHOE: We have budgeted \$340,000.

COUNCILMAN GUNNER: Okay, that covers it.

MRS. KEHOE: So we have plenty. What you see in the '93 budget though isn't the full cost of this project, it represents the first debt payment that would be due on the bonding for the project.

COUNCILMAN GUNNER: Okay.

SUPERVISOR RINGLER: You know, we have not appropriated \$340,000 in next year's budget.

COUNCILMAN GUNNER: Okay.

SUPERVISOR RINGLER: Just to clarify that.

COUNCILMAN GUNNER: That is what I wanted to know.

MRS. KEHOE: That is right.

COUNCILMAN GUNNER: That was going to be my next question.

MRS. KEHOE: We will be approving financing, hopefully for this and what is in the budget is the principal and interest to be repaid on that note.

COUNCILMAN GUNNER: I really should have said during about our capital program. That is in our Capital program, right?

MRS. KEHOE: Yes.

COUNCILWOMAN GALVIN: Going back, unfortunately, to page 1, they refer to IBM being the prime and subcontracting with New World Systems. What are our provisions for the assurance of the payment to the subs to avoid any potential liening or claim charges against the Town by New World, as a sub?

CHIEF LA CHAPPELLE: New World is an IBM business partner and I don't know that there is any specific assurance of payment to them. We required IBM to be the prime. That was not their choice, we required that because IBM is -- the reputation of IBM and their being there is much greater, I think, than any software company today. And, that assurance dealing just with IBM, contractually, we felt, was in the Town's best interest.

COUNCILWOMAN GALVIN: I agree with you completely, Chief, my concern is that since New World Systems is specifically recited as a sub on the software, they technically could have liening ability and ability to claim against the Town so we need to know that if there are payments due to New World under the subcontract, that a payment is made to IBM for part of that payment or all of the payment, in effect, goes to New World Systems, that those payments are made.

ATTORNEY KAPLOWITZ: Dick, are payments going to be made to New World directly? I mean, directly to IBM?

CHIEF LA CHAPPELLE: Yes.

COUNCILMAN GUNNER: Ken, another question to either Judi or the Chief, either one of you. But I am still on Appendix B, and I am sure you are aware of it, that annual maintenance and costs with IBM and New World System, that will be an annual charge each year and every year and that will affect the budget of the Police Department?

MRS. KEHOE: Yes.

COUNCILMAN GUNNER: And, you are aware and prepared for that, Chief?

CHIEF LA CHAPPELLE: Yes, sir, I hope the Board is.

COUNCILMAN GUNNER: Well, I just, you know, it is a big piece of money.

CHIEF LA CHAPPELLE: Yes, we are very aware of what the maintenance costs will be.

COUNCILMAN GUNNER: Okay.

SUPERVISOR RINGLER: Bernie, will you, on that question that Sheila brought up, is there something we should do or are we satisfied that this is okay?

ATTORNEY KAPLOWITZ: I am not sure I know what the concern is. If there aren't any payments due to New World...

COUNCILWOMAN GALVIN: They are providing a product and they are providing it specifically for us to use. In reading their contract, it is obviously been written normally for a separate contract with New World Systems, I would say. That is the way these documents read, that the norm was separate contracting with New World Systems,

so payments would go. Once we accept the product from New World Systems, my concern is that the payments, since we are not making the direct payments that we have proof that the funds that are paid to IBM are properly paid over to the sub so that we are not looking down the barrel of a claim even though we don't have a direct contractual relationship. Since, we are accepting their product, we have to pay and we might have a wonderful claim over against IBM in the event the proper payments weren't made on a timely basis but we don't need another piece of litigation.

ATTORNEY KAPLOWITZ: What kind of lien could they file in that situation?

COUNCILWOMAN GALVIN: Well, since we are a municipality, they can always file a public improvement lien because it is on our property as opposed to a straight lien.

ATTORNEY KAPLOWITZ: That is a mechanic lien you are talking about.

COUNCILWOMAN GALVIN: But, it is different than a mechanic's lien, it is a straight... it is a public improvement lien under the lien law.

ATTORNEY KAPLOWITZ: It is for personal property?

COUNCILWOMAN GALVIN: Oh, yea, they can file against that, it says...

ATTORNEY KAPLOWITZ: I don't know what you can do other than to ask IBM to sign something additional to hold us harmless or New World to sign something saying they would release us from any responsibility for seeing that the money gets passed on.

CHIEF LA CHAPPELLE: We will have no difficulty getting whatever language, if I can get the language from you, having that inserted before the contract is signed.

SUPERVISOR RINGLER: Okay, we will have Bernie get something together to protect us on that.

COUNCILWOMAN GALVIN: Question on page 10 for Jeff.

ATTORNEY KAPLOWITZ: Excuse me, Sheila, just so I understand your concern. You want something from New World.

COUNCILWOMAN GALVIN: Something from New World.

ATTORNEY KAPLOWITZ: Agreeing to look only to IBM.

SUPERVISOR RINGLER: Holding us harmless.

COUNCILWOMAN GALVIN: Yes.

ATTORNEY KAPLOWITZ: Okay.

SUPERVISOR RINGLER: For the nonpayment of IBM. IBM's got a lot more money than us, I don't think they will have a problem.

COUNCILWOMAN GALVIN: Yes and that they are not going to look to file a public improvement lien on us. On page 10, Jeff...

CHIEF LA CHAPPELLE: Excuse me, may I just say something with regards to this.

COUNCILWOMAN GALVIN: Sure.

CHIEF LA CHAPPELLE: Computer aided dispatch/records management in upstate New York is just starting. It is very prevalent down State and IBM in Albany and the New World representative living in Washington County give us a tremendous edge on the development of this project as something -- and also we get a discount for being someone to bring other agencies in -- so they have been told and they understand that it is up to them to perform or we will probably hurt them badly in their attempt to get other interested parties involved.

ATTORNEY KAPLOWITZ: He is a tough Police Chief. Is the Police Chief saying that?

CHIEF LA CHAPPELLE: Maybe I worded that a little wrong but I think you get the meaning. They have bent over backwards with us both New World and IBM to provide us with the most at the least money. And, contractually, they change this contract 4 times with our requirements to protect us. So, they have been very, very good.

COUNCILWOMAN GALVIN: This is just a general question, Jeff, they are talking on page 10 under key responsibilities in the organization are as follows and they are talking about the IBM project manager interfaces with the Town of Bethlehem project manager and has responsibility for the execution of IBM tasks. In terms of that coordination, have you worked out with them exactly what is going to be acceptable to you? Does that need any more definition here or is that adequately defined for your needs?

MR. DAMMEYER: No, that is adequate.

COUNCILWOMAN GALVIN: On page 16, there is a specific reference to review the project progress with the Town of Bethlehem project manager during regularly scheduled status meetings and mostly status reports. There are several references to monthly status reports, will the Town Board be getting copies of those?

MR. DAMMEYER: Yes.

SUPERVISOR RINGLER: Just don't forget them. You made a commitment now.

MR. DAMMEYER: You will get them, don't worry.

COUNCILWOMAN GALVIN: I think the Chief solved my other ones. One last one, this is page 5 of the customer agreement. Statement of work and project support services, it is under the heading of other terms and conditions. It is the part, IBM will not be responsible for and says the Town of Bethlehem will be responsible for a thorough program of investigation, detection, abatement and/or removal of asbestos, hazardous waste or other pollutants from the work areas described in this proposal, if determined as necessary. Are there any?

CHIEF LA CHAPPELLE: The cabling is already there in most places for the existing computer system. And, I don't know what was found before but I would expect that whatever needed correcting would have been corrected at the time that the current system was put in.

COUNCILWOMAN GALVIN: My concern was wondering what the cost of that was going to be since that type of asbestos removal, if it is hiding in the ceilings, can get awfully expensive.

SUPERVISOR RINGLER: Bruce?

MR. SECOR: I am not aware of any. We had an investigation done, preliminarily, when we started renovation work and I am not aware of any. The insulation was mostly fiberglass or nonexistent. One of the things in this building was it was easy to insulate because there wasn't any. So, I am not aware of any.

SUPERVISOR RINGLER: Anything else?

COUNCILWOMAN GALVIN: With the recognition we are in New York and not Michigan and with that change, Judi's...

SUPERVISOR RINGLER: Any other questions? Entertain a motion to authorize the Supervisor to sign the contract.

The motion was made by Ms. Galvin and seconded by Mr. Gunner that the Supervisor be authorized to sign the IBM contract with the proposed change. The motion was passed by the following vote:

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

- - -

SUPERVISOR RINGLER: In addition to that, there is a bonding resolution attached which Judi has prepared regarding this and also the emergency power supply for the Highway garage that is going out for bid. Anyone like to offer the resolution authorizing that bonding resolution?

Bond
Resolution
IBM Computer
Police Dept.

The following resolutions were offered:

BOND RESOLUTION, DATED NOVEMBER 24, 1992,
AUTHORIZING THE ISSUANCE OF \$340,000. SERIAL
BONDS OF THE TOWN OF BETHLEHEM, PURSUANT TO
THE LOCAL FINANCE LAW OF NEW YORK, TO FINANCE
A COMPUTER-AIDED DISPATCH SYSTEM FOR THE
TOWN'S POLICE DEPARTMENT AND APPROPRIATING
THE PROCEEDS TO SUCH PURPOSE.

* * * * *

BE IT RESOLVED, by the Board of the Town of Bethlehem as follows:

Section 1. The Town of Bethlehem shall issue its Serial Bonds of the aggregate principal amount of \$340,000., pursuant to the Local Finance Law of New York, to finance the specific object or purpose hereinafter described.

Section 2. The specific object or purpose (hereinafter referred to as "purpose") to be financed by the issuance of such Serial Bonds is a computer-aided dispatch system for the Town's police department and costs incidental thereto.

The proceeds of such Serial Bonds are hereby appropriated to such purpose.

Section 3. It is hereby determined and stated that the aggregate maximum cost of such purpose, as determined by the Town Board, is \$340,000. and that no other money has heretofore been authorized to be applied to the payment of the cost of such purpose.

The Town Board plans to finance such costs entirely from the funds raised by the issuance of the obligations authorized by this resolution.

Section 4. It is hereby determined that said purpose is an object or purpose described in Subdivision 35 of paragraph a of Section 11.00 of said Local Finance Law, and the period of probable usefulness of said purpose is 5 years.

Section 5. Subject to the terms and conditions of this ordinance and of the Local Finance Law, and pursuant to the provisions of Sections 30.00, 50.00 and 56.00 to 60.00, inclusive of said Law, the power to authorize Bond Anticipation Notes in anticipation of the issuance of the Serial Bonds authorized by this resolution and the renewal of said notes, and the power to prescribe the terms, form and contents of said Serial Bonds and said Bond Anticipation Notes, and the power to sell and deliver said Serial Bonds and any Bond Anticipation Notes issued in anticipation of the issuance of such bonds is hereby delegated to the Town Supervisor, the Chief Fiscal Officer of the Town. The Town Supervisor is hereby authorized to sign either manually or in facsimile any Serial Bonds issued pursuant to this resolution and any bond Anticipation Notes issued in anticipation of the issuance of said Serial Bonds, and the Town Clerk is hereby authorized to impress, or have reproduced a facsimile of, the corporate seal of the Town on any of said Serial Bonds or on any Bond Anticipation Notes and to attest such Bonds or Notes.

Section 6. The Town Clerk is hereby directed to publish in an official newspaper of the Town a copy of this resolution in full or in summary with a notice in the form prescribed by Section 81.00 of said Local Finance Law. The validity of said Serial Bonds or of any Bond Anticipation Notes issued in anticipation of the sale of said Serial Bonds may be contested only if such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or the provisions of law which should be complied with at the date of the publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication; or if said obligations are authorized in violation of the provisions of the Constitution of New York.

Section 7. The Town will comply with the applicable provisions of the State Environmental Quality Review Act before any contracts are entered into, any expenditures are made or any obligations are issued for the purpose to be financed with the foregoing obligations.

Section 8. The faith and credit of the Town are hereby pledged to the payment of the principal of and interest on the obligations authorized by this resolution. Such obligations shall be general obligations of the Town, and the Town shall be obligated to levy ad valorem taxes on all property taxable by the Town as may be necessary to pay such obligations and the interest thereon, without limitation as to rate or amount. The Town intends to issue tax-exempt or taxable obligations authorized by this resolution to finance the cost of the purpose or purposes described in Section 2. If the Town incurs any of such cost prior to the issuance of such tax-exempt obligations, the Town expects to utilize general or special fund revenues to pay such cost and intends to reimburse itself for such expenditures with proceeds of such obligations. This declaration of intent to reimburse is made pursuant to the requirements of United States Treasury Regulations Section 1.103-18 and is intended to constitute a declaration of official intent under such regulations.

Section 9. This resolution shall take effect immediately upon its adoption.

The foregoing resolution was presented for adoption by Ms. Galvin, was seconded by Mr. Webster and was passed by the following vote:

The motion was passed by the following vote:

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

Noes: None.

Bond
Resolution
Emergency
Power Supply
Generator

BOND RESOLUTION, DATED NOVEMBER 24, 1992,
AUTHORIZING THE ISSUANCE OF \$35,000. SERIAL
BONDS OF THE TOWN OF BETHLEHEM, PURSUANT TO
THE LOCAL FINANCE LAW OF NEW YORK, TO FINANCE
AN EMERGENCY POWER SUPPLY GENERATOR FOR THE
HIGHWAY DEPARTMENT AND APPROPRIATING THE
PROCEEDS TO SUCH PURPOSE.

* * * * *

BE IT RESOLVED, by the Board of the Town of Bethlehem as follows:

Section 1. The Town of Bethlehem shall issue its Serial Bonds of the aggregate principal amount of \$35,000, pursuant to the Local Finance Law of New York, to finance the specific object or purpose hereinafter described.

Section 2. The specific object or purpose (hereinafter referred to as "purpose") to be financed by the issuance of such Serial Bonds is an emergency power supply generator for the highway department and costs incidental thereto.

The proceeds of such Serial Bonds are hereby appropriated to such purpose.

Section 3. It is hereby determined and stated that the aggregate maximum cost of such purpose, as determined by the Town Board, is \$35,000 and that no other money has heretofore been authorized to be applied to the payment of the cost of such purpose.

The Town Board plans to finance such costs entirely from the funds raised by the issuance of the obligations authorized by this resolution.

Section 4. It is hereby determined that said purpose is an object or purpose described in Subdivision 35 of paragraph a of Section 11.00 of said Local Finance Law, and the period of probable usefulness of said purpose is 5 years.

Section 5. Subject to the terms and conditions of this ordinance and of the Local Finance Law, and pursuant to the provisions of Sections 30.00, 50.00 and 56.00 to 60.00, inclusive of said Law, the power to authorize Bond Anticipation Notes in anticipation of the issuance of the Serial Bonds authorized by this resolution and the renewal of said notes, and the power to prescribe the terms, form and contents of said Serial Bonds and said Bond Anticipation Notes, and the power to sell and deliver said Serial Bonds and any Bond Anticipation Notes issued in anticipation of the issuance of such bonds is hereby delegated to the Town Supervisor, the Chief Fiscal Officer of the Town. The Town Supervisor is hereby authorized to sign either manually or in facsimile any Serial Bonds issued pursuant to this resolution and any Bond Anticipation Notes issued in anticipation of the issuance of said Serial Bonds, and the Town Clerk is hereby authorized to impress, or have reproduced a facsimile of the corporate seal of the Town on any of said Serial Bonds or on any Bond Anticipation Notes and to attest such Bonds or Notes.

Section 6. The Town Clerk is hereby directed to publish in an official newspaper of the Town a copy of this resolution in full or in summary with a notice in the form prescribed by Section 81.00 of said Local Finance Law. The validity of said Serial Bonds or of any Bond Anticipation Notes issued in anticipation of the sale of said Serial Bonds may be contested only if such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or the provisions of law which should be complied with at the date of the publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication, or if said obligations are authorized in violation of the provisions of the Constitution of New York.

Section 7. The Town will comply with the applicable provisions of the State Environmental Quality Review Act before any contracts are entered into, any expenditures are made or any obligations are issued for the purpose to be financed with the foregoing obligations.

Section 8. The faith and credit of the Town are hereby pledged to the payment of the principal of and interest on the obligations authorized by this resolution. Such obligations shall be general obligations of the Town, and the Town shall be obligated to levy ad valorem taxes on all property taxable by the Town as may be necessary to pay such obligations and the interest thereon, without limitation as to rate or amount. The Town intends to issue tax-exempt or taxable obligations authorized by this resolution to finance the cost of the purpose or purposes described in Section 2. If the Town incurs any of such cost prior to the issuance of such tax-exempt or taxable obligations, the Town expects to utilize general or special fund revenues to pay such cost and intends to reimburse itself for such expenditures with proceeds of such obligations. This declaration of intent to reimburse is made pursuant to the requirements of United States Treasury Regulations section 1.103-18 and is intended to constitute a declaration of official intent under such regulations.

Section 9. This resolution shall take effect immediately upon its adoption.

The foregoing resolution was presented for adoption by Ms. Galvin, was seconded by Mr. Webster and was passed by the following vote:

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

Noes: None.

SUPERVISOR RINGLER: Thank you, thank you all.

Reduction
In Bonding
Krumkill
Manor

SUPERVISOR RINGLER: The next item on our agenda is a request from Mr. Secor, Commissioner of Public Works, for approval of reduction in bonding for the Krumkill Manor subdivision from \$200,000 to \$32,000.

MR. SECOR: The answer to the standard question is, as of this afternoon, we had not received the written notification back but a check on the liens docket... to my knowledge this... there is no mortgage on this property because the developer is doing it on a cash basis but we still were checking the liens docket and so, subject to receiving that, I still would recommend the reduction.

SUPERVISOR RINGLER: Okay. Offer a motion.

The motion was made by Ms. Galvin and seconded by Mrs. Fuller that the reduction in bonding from \$200,000 to \$32,000 for Krumkill Manor Subdivision, pending the lien check, be approved. The motion was passed by the following vote:

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

Noes: None.

Bid
Materials
and
Chemicals
Water &
Sewer Dept.

SUPERVISOR RINGLER: Next a request from Suzanne Shepardson, Business Office Manager, for approval to go to bid for Materials and Chemicals for the Water and Sewer Departments for the year 1993. We could advertise on December 1st and open bids on December 14th.

The motion resolution was offered by Mr. Webster and seconded by Ms. Galvin:

WHEREAS, the Town desires to advertise for bids for Materials and Chemicals for the Water and Sewer Departments for the year 1993, pursuant to law,

NOW, THEREFORE, BE IT RESOLVED, that the Town Clerk advertise for such bids in THE SPOTLIGHT issue on the 2nd day of December, 1992 and that bids be received up to 2:00 p.m. and 2:15 p.m. respectively on the 14th day of December, 1992 at which time the bids will be publicly opened and read.

The resolution was adopted by the following vote:

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

SUPERVISOR RINGLER: Next a request from Mr. Austin, Administrator of Parks & Recreation Department, for approval of seasonal personnel per the attached list.

Approve
Seasonal
Personnel
Parks &
Recreation
Dept.

The motion was made by Mrs. Fuller and seconded by Mr. Gunner that the personnel as listed on the Memorandum dated November 25, 1992 from the Administrator of Parks & Recreation Department be and they hereby are approved for appointment. The motion was passed by the following date:

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

SUPERVISOR RINGLER: Next is a request from Mr. Hahn, Receiver of Taxes and Assessments for repayment of overpayment of water rents for the month of October totaling \$8.45.

Overpayment
of Water
Rents

The motion was made Ms. Galvin and seconded by Mr. Gunner that the repayment of overpayment of water rents for the month of October in the amount of \$8.45 be approved. The motion was passed by the following vote:

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

SUPERVISOR RINGLER: Next a request from Mr. Secor for 3 Department of Public Works employees to attend a one day training session at Chaucer's Banquet House in Clifton Park. This is on pollution control at a cost of \$15.00 per person.

Training
Session
Public
Works

The motion was made by Ms. Galvin and seconded by Mr. Webster that 3 Department of Public Works employees, be and they hereby are authorized to attend a one day training session at Chaucer's Banquet House, Clifton Park, NY on December 2, 1992. The motion was passed by the following vote:

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

SUPERVISOR RINGLER: Next I would entertain a motion to approve minutes of... does anyone want to do these separately or are there any questions? I would like to take October 7th off. There are some questions that came up with that one and I am not putting them up tonight for approval, but September 23, September 28 and October 14.

COUNCILWOMAN GALVIN: I believe there was one thing on October 14th that I had a question mark about referring to something that was said by Mr. Secor. Page 25 and this is in the October 28th minutes.

SUPERVISOR RINGLER: October 28 is not up for approval.

COUNCILMAN GUNNER: Not there.

TOWN CLERK NEWKIRK: Please get back to me about it before hand.

SUPERVISOR RINGLER: Okay. A motion?

Approve
Minutes
9/23, 9/28,
10/14

The motion was made by Ms. Galvin and seconded by Mr. Webster that the minutes of the Town Board meetings of September 23, September 28 and October 14 be and they hereby are approved. The motion was passed by the following vote:

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

Basic
Course
For
Juvenile
Officers
Police
Dept.

SUPERVISOR RINGLER: Next a request from the Chief of Police for approval of Officer McMillen to attend the Basic Course for Juvenile Officers, December 7-11, 1992 in Saratoga Springs with transportation.

The motion was made by Mr. Webster and seconded by Mr. Gunner that Officer McMillen be and he hereby is authorized the attend the Basic Course for Juvenile Officers, December 7-11, 1992 in Saratoga Springs, NY with transportation provided by police vehicle. The motion was passed by the following vote:

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

Accept
Deed
Old Town
Road

SUPERVISOR RINGLER: Next have a recommendation from Mr. Cirillo, Engineering Department, for acceptance of a deed for highway right-of-way for Old Town Road, Selkirk. Just to clarify that is not for the road, it is for land alongside the road, we already own the road. This was a project that came along and this allows us for widening of the right-of-way that the Town has.

The motion was made by Mr. Gunner and seconded by Mr. Webster that the easement for right-of-way purposes along Old Town Road, Selkirk, 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.

Approve
Out-of-
District
Water
Service
Zdziebloski

SUPERVISOR RINGLER: Next a request from Mr. Secor for approval of out-of-district water service for Joseph A. Zdziebloski, 563 Elm Avenue. Bruce delivered this to everybody today, I believe, this is a property that is adjoining the Selkirk Kingdom Hall. A gentleman is having problems with his well and is willing to pay for the extension and also will enter the Water District once it is done. Offer a motion to approve that?

The motion was made by Ms. Galvin and seconded by Mr. Gunner that approval be given for out-of-district water service for Joseph A. Zdziebloski. The motion was passed by the following vote:

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

Executive
Session

SUPERVISOR RINGLER: Next I would entertain a motion to conduct an Executive Session at the end of this meeting to discuss pending litigation and real estate acquisition.

The motion was made by Mrs. Fuller...

COUNCILMAN GUNNER: I just would like to put an addition of a personnel matter if time permits.

SUPERVISOR RINGLER: Okay.

The motion was seconded by Mr. Webster to conduct an Executive Session at the end of the meeting to discuss pending litigation, real estate acquisition and personnel matter and passed by the following vote:

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

Noes: None.

SUPERVISOR RINGLER: Is there anything else anyone would like to bring to the attention of the Board?

COUNCILWOMAN GALVIN: I have two questions. First of all I have had a call from several people concerning the Rupert Road landfill and the fact that it is burning.

SUPERVISOR RINGLER: It is not, as far as we can determine, there is natural decomposition taking place. There has been some cap settlement that we have made repairs to. The DEC has been on the scene, has inspected it and finds that there is no problem.

COUNCILWOMAN GALVIN: When was the inspection done?

SUPERVISOR RINGLER: As late as yesterday, or even tonight.

MR. SAGENDORPH: 6 o'clock tonight was the last inspection on it. I was with Howard Vics from DEC at 6 p.m. this evening down at Rupert Road. The last inspection that he has written, which I have copies for the Board if they would like, is last Tuesday, November 17, 1992. That was the day it snowed, for the record, and it was done on purpose. He wanted to go down and see if the snow was melting off the landfill. He was satisfied that it was not. These copies which I will leave with the Board tonight reflect that we passed on all counts. There is no violations at the Rupert Road landfill at this point.

Discussion
Rupert Road
Landfill

COUNCILWOMAN GALVIN: Because I have had several calls and I had other reason to believe that there had been a problem existing since September.

SUPERVISOR RINGLER: There have been cap repairs going on since September. There has been settling. There have been reports -- I originally received a call from somebody -- probably was in September -- saying that they thought it was on fire. We immediately dispatched Bruce and our staff down there and could find no evidence of fire. DEC was brought in and they found no evidence and as far as we can determine, this is natural settling and that they have been capping it and correcting it and doing what is necessary. If, however, a fire was ever there, this is the proper thing to do in any event -- this smothering and so forth. So, we are right on top of it and we will stay on top of it. Bruce, want to add anything else.

MR. SECOR: Just that cap settlement, this is all brush and demolition material and things that is in there and there are some large logs over in this one section and the fact that this is settling -- cap maintenance is part of our permit requirement for the closeout of this. And, when the cap settles there may be some steam, there certainly is some odors that come out of there. There is no question about that and that is why Gregg has put the equipment down there. We have clay back on it and we can maintain the integrity of the cap. It is just part of the process. We walk the entire site a couple times a year. We mow it at least twice a year just to maintain the thing and again, it is part of our permit, requirements for this cap closure maintenance.

COUNCILWOMAN GALVIN: The concern is that there has been smoke reported to have been seen coming from it as well as noxious odors.

MR. SECOR: There was some steam, you know, and again, it is the same thing you would see if you turn over a pile of leaves in your yard if they sat there for a while. When the temperatures get colder, just like you can see your breath when you breath out, you can see steam

coming off of something that is going through natural decomposition. And, it is just that when this settled and the cap opened up and some water got in, that allows additional decomposition to occur and it was sealed off. But, unlike what is going on over at the Metz site, if you go over to the Metz site and walk around where these fissures open up, there is actually a little soot. Just like you get soot in your fireplace, there is actually soot and some smoke coming out. There is nothing like that, at all, at the Rupert Road facility.

COUNCILWOMAN GALVIN: It has also been indicated that this is not the first time that Rupert Road had been burning.

MR. SECOR: Well, again...

COUNCILWOMAN GALVIN: When was the last time it was burning.

MR. SECOR: I don't know that we have ever had any burning there. The decomposition has been going on and it will always be part of that process. We have had other cap settlements which have been repaired but I think this is -- at least in the years I have been here -- this is probably the most movement. It was at an end that had been closed... that area had been closed for what, 2 years?

MR. SAGENDORPH: 2 and 1/2 years.

MR. SECOR: It had been closed now for 2 1/2 years and had been dormant and then all of a sudden there was some settlement and we repaired it. But, when the settlement occurred it occurred when there was quite a bit of rain, some water got in there and it generated some more steam. But, I am not aware that there is any fire and I don't think there is any evidence of it. In comparison, the Town of Guilderland had a similar situation at their landfill and they hired a very large piece of equipment and started to go in and dig in it. They never found any fire, they found smoke or they found steam, they found some vapors but after digging through the whole thing, they never got temperatures over 100 degrees. And, natural decomposition, if you do just backyard composting, you want to get up to about 140 degrees just to kill off the pathogens and get a good chemical breakdown. So, it is very natural for this stuff, just like a hay laying in the field or anything else, it is going to decompose.

COUNCILWOMAN GALVIN: Yes, but we haven't done anything to dig to determine whether or not there is any burning.

MR. SECOR: The very last thing you want to do is dig. Again, there is no evidence, there is no heat at the surface, the melting of the snow is not there, there is no reason to dig it up. That should be about 100 to 100 some degrees down there anyway because there is the natural decomposition going on and you expect the elevated temperatures. But, you have to get up to 400 or 500 degrees before you can classify it as any kind of a burning.

SUPERVISOR RINGLER: And, as Bruce said, even when we had the situation at Metz, when we knew there was a fire, the fire officials from the NYS Marshall's office were suggesting that the worst thing we could do at that point was dig it up because then you do get spreading. The thing they were recommending at that time, was to smother it and to get the cap on it and make sure there was no air getting to it.

COUNCILWOMAN GALVIN: No, but what I was referring to is Bruce had indicated that Guilderland had gone in and dug up and we did not...

SUPERVISOR RINGLER: I know and they got into a problem.

MR. SECOR: But, again, Guilderland never had a fire. They never really found a fire. They found there was some decomposition and some gases or vapors coming off and they ended up just clear covering it back up and going back over the top of it. The best thing you can do is just maintain the clay cover because there is clay cover on it, we have a gravel layer which we were using for backfill and we have a gas venting structure up there. If you go up and get near the gas venting structure, yes, you will get odors just like if you went up and stuck your head in your top of your chimney when your furnace is

on. That is the purpose of these gas venting structures is to dissipate this and control the escaping gases.

COUNCILWOMAN GALVIN: Well, there have been complaints from residents in the area about the fumes from the burning at Rupert Road.

MR. SECOR: Again, when the cap settlement occurred, there was some odor -- there was no question about it, you could drive by Rupert Road and you could smell the odors -- but as soon as we got the clay cap repaired back -- and I was just down there Saturday morning, Gregg has been down there a couple of times -- there is nothing objectionable there. John Flanigan got a call on Sunday, he went down and walked both...

SUPERVISOR RINGLER: He got a call on the Metz site.

MR. SECOR: Yes, well he walked both sites. He walked both Rupert Road and Metz. Mr. Vics was down at our site this afternoon, so I mean, we have people down there 6 days a week, 7-8 hours a day and you know, there is just nothing going on in there. It isn't visible to everybody who goes down there.

COUNCILWOMAN GALVIN: When did this big settlement occur?

MR. SAGENDORPH: The first day of settlement was March 26 of this year. I have pictures with the date on the pictures to verify the initial settlement. We have done cap maintenance 5 times since that March date. At this time, as of tonight, there is a minor depression in one of the same areas that we had corrected back in October 1st but due to the slope that we are working on, I don't want to put equipment and labor up because it would be lives in jeopardy to try and do it in this wet times. We are going to either wait until it dries up or frosts over.

COUNCILWOMAN GALVIN: Is there any particular reason that there is a reoccurrence at the same location?

MR. SAGENDORPH: This is the end of one area where we capped the C & D landfill. All the big items that couldn't be buried, the huge stumps, the big logs, the biggest debris that was always in the way got pushed to the very end. Right at the very end is where all this settlement is taking place. There is a lot of voids in that area and these pictures will show that due to the slope, En Con told us to put hay bales up as an erosion measure so this clay didn't wash down this hill and onto Rupert Road. These pictures prove that the first settlement is directly behind the first set of hay bales. It happened in March, the spring runoff, there is no snow on the ground. All the spring runoff is taking place and this made a huge cavern into the clay cap. We have lost the original set of hay bales at the highest point in the landfill. The second settlement which happened in June happened just behind the second set of hay bales. So, at that point, with DEC approval, we removed all the hay bales and tried to divert the water away from this area. And, so far, with just the rain and the runoff that has been landing there, we have gotten rid of the major settlements, now we just have minor depressions. But, in walking it with Howard tonight, because the Rupert Road virgin ground is of a gravel materials, it is natural that these odors are going to permeate through that gravel unless the whole area is capped with clay and there are no cracks in the cap, this odor is going to permeate up through the virgin ground and to rectify that we would have to cut the buffer from Rupert Road back to the landfill -- approximately 75 feet of wooded area -- cap that totally in clay and they are dead set against that right at this time.

COUNCILMAN GALVIN: Let me see if I understand. The first settlement was March 26th of this year, it settled again in June and it settled again in October. Were there any other settlements in this particular area during?

MR. SAGENDORPH: We hauled for 2 days on September the 1st and the 2nd. We hauled for one day on October the 1st and we hauled for half a day on October 23rd. The day that we hauled on October 23rd was a precautionary measure just to stock clay there in case the settlement has gotten any worse, which it hasn't.

COUNCILWOMAN GALVIN: There haven't been any other settlements since October 23rd.

MR. SAGENDORPH: No, nor has there been any cap maintenance done.

COUNCILWOMAN GALVIN: So, in other words, there have been -- 1,2,3,4 occasions of settlement in one area in 6 months.

MR. SAGENDORPH: 8 months.

MR. SECOR: After it was covered for 2 1/2 years. So, again, just...

COUNCILWOMAN GALVIN: Is it unusual that that would... that that number of settlements would occur in one particular area in that short a time?

MR. SECOR: Unusual but I think the explanation is because of the material that is there. The rest of that landfill was pretty much uniformly put down in 8 to 10 foot layers so our layers are horizontal and the material was more or less homogeneous but it was knocked down and compacted by the bulldozer before the clay cap was put on. Even with that, it is hard to maintain the dome shape that you want because settlement is greater where the thickness is greater so we are constantly fighting this compression of the area. So, that is why, because you have a 2 or 3 percent slope and you are just trying to maintain that.

COUNCILWOMAN GALVIN: Given the nature of the C & D material, do we know everything that is in that particular area?

MR. SECOR: Yes, that was one of the newer areas in the current deal. It is, it is just brush and logs and you can't compact a big log. Even those old poplar trees or an old pine tree, you just got to place it the best you can and try to work around it.

COUNCILWOMAN GALVIN: No construction demolition material in there?

MR. SECOR: Yes, in that corner, that is where we closed out 2 but it is mixed in with the brush and trees and stumps.

COUNCILWOMAN GALVIN: Do we know what the C & D material in that area is?

MR. SECOR: Yes, it is basically just old boards, shingles, some sheet rock, bricks.

COUNCILWOMAN GALVIN: Insulation?

MR. SECOR: Could be some insulation in there.

COUNCILWOMAN GALVIN: Any chemicals?

MR. SECOR: Not that I am aware of. I mean, there is nothing...

MR. SAGENDORPH: Nothing that we are aware of.

COUNCILWOMAN GALVIN: Any oil?

MR. SECOR: No.

COUNCILWOMAN GALVIN: You indicated not that you are aware of, are there any surprises hidden in there that we..?

SUPERVISOR RINGLER: If they were, they don't know about them.

MR. SECOR: No, all the new area...

COUNCILWOMAN GALVIN: Any reason to believe that there should be?

MR. SECOR: No.

MR. SAGENDORPH: No, none at all.

MR. SECOR: That whole area that was last closed off was the best patrolled of the entire place. You know, it is just the last few years when a lot of attention has been paid to all this but Marty and Gregg have done an excellent job of maintaining the cap and putting on and you know, there are some places they thought that the minimum 18 inches -- we have 3 or 4 feet of clay over most of these areas just to give ourselves the buffer to work with. When you do get a settlement, you just have to go back and repair it. That is just part of it and everybody knew that at the time we did the permits and the closure. This is an unstable material you are trying to put a cap over.

COUNCILWOMAN GALVIN: Bruce, in your experience would you expect any more problems in the immediate future with settlement? When I say immediate future, within the next 3 to 6 months.

MR. SECOR: Yes, this is an ongoing thing. It was anticipated. One of the conditions of our closure plan is that we are responsible for 20 years to maintain this cap cover and to walk it and I think they do at least an annual walk over. I haven't walked completely with Vics but at least once a year they walk the whole site just to look at it for that reason. So, it is anticipated, it is not unusual, it is usual to have to go back and do cap repair. The City of Albany right now is doing millions and millions of dollars worth of cap repair because of the same thing where they are having differential settlement. You put 3 or 4 feet of clay, that is a lot of weight per square foot on top of materials that are underneath there that are not structural fills. I mean, they are just waste materials and you do anticipate this. And, the City if out there constantly doing it.

COUNCILWOMAN GALVIN: My concern is with the residents in the area who are worried about a burning landfill and I use the term in quotes and also with the noxious fumes that are coming from there and about concerns as to exactly what is causing those fumes.

MR. SECOR: Well, again, the fumes are just natural decomposition and it is just something that goes on. When the cap opens up and water gets in, the fumes are worse, they get exaggerated for that time being until the cap can be repaired.

COUNCILWOMAN GALVIN: Have we done any testing to verify exactly what those fumes are?

MR. SECOR: I haven't, I don't know -- have we had any?

MR. SAGENDORPH: No.

COUNCILWOMAN GALVIN: So, we don't exactly know what they are.

MR. SECOR: And, I don't know -- I can check with the DEC but I am not sure that there is a homogeneous response to that type of thing. There is some methane, there is some... you know, there is a lot of things that you would expect.

COUNCILWOMAN GALVIN: But, we don't know exactly what's emanating in fumes.

MR. SECOR: No.

COUNCILWOMAN GALVIN: Is this something that DEC can test for for us?

MR. SECOR: I don't know, I can ask them.

COUNCILWOMAN GALVIN: Would you check into that because I think at least we should?

MR. SECOR: Yes. I am not aware that there is any air quality -- except for what happened at Metz when they had them put carbon filters on it because there was an active fire. They actually had them put filters on to try and mitigate the odors. But, unfortunately, the last time I was at the Metz site, there are still some fissures that still show black soot around them and that is not a good sign.

COUNCILWOMAN GALVIN: Oh, I recognize we are not living in a perfect world Bruce, but my concern is we should find out what those fumes are if there is a way we can.

MR. SECOR: Yes, the majority of it is nothing. That is the biggest and that is why they want the venting structures so it is dissipated and it will mix with the air before it gets to the property boundary line. Otherwise, if you don't have the gas venting structure, you actually form a gas dome and it starts coming out the edges and it is uncontrollable. They want it in a controlled fashion. And, we have done that under our closure permit.

COUNCILWOMAN GALVIN: Yes, but if there is a way we can find out what it is, I think we should do it.

MR. SECOR: I can call on it.

SUPERVISOR RINGLER: Steve Lukowski can probably do it.

MR. SECOR: Yes.

SUPERVISOR RINGLER: Anything else?

COUNCILWOMAN GALVIN: I have one other matter. Charlie, you had something before me.

COUNCILMAN GUNNER: No.

COUNCILWOMAN GALVIN: In our packet we received some material from Martin Barr as Chairman of the Planning Board on Meadowbrook Section 3.

SUPERVISOR RINGLER That will be on the next agenda.

COUNCILWOMAN GALVIN: I am merely referring to it now since it was in this packet. It was a transmittal memo and a resolution...

SUPERVISOR RINGLER: Of the Planning Board.

COUNCILWOMAN GALVIN: That is correct and this is what is going to be on the next agenda?

SUPERVISOR RINGLER: We would have to have our own resolution and that is what is going to be prepared for consideration by the Board.

COUNCILWOMAN GALVIN: Well, I am concerned because I was at the Planning Board meeting at which that was adopted on November 17th and at that time, Martin Barr indicated to John Tabner, the attorneys for the Meadowbrook people, that this Town Board would be provided along with just this bare resolution -- would be provided all Planning Department memoranda, other department memoranda and minutes of the Planning Board meeting of 11/17/92 for our consideration. Since that is extensive, I certainly want to have an opportunity to adequately review that and I am concerned that we did not receive it when this was transmitted to us because Martin Barr very specifically said at that meeting that it would be provided to us along with this resolution.

SUPERVISOR RINGLER: And, that is why it is not on tonight's agenda because that material wasn't sent to us.

COUNCILWOMAN GALVIN: We will be receiving it?

SUPERVISOR RINGLER: You will be receiving it.

COUNCILWOMAN GALVIN: And, we are not going to be receiving it like a matter of hours before the meeting.

SUPERVISOR RINGLER: You never receive anything a number of hours before a meeting that is important, Sheila.

COUNCILWOMAN GALVIN: I hate to correct you on that, I received a large packet of material this afternoon at approximately noon.

SUPERVISOR RINGLER: What?

COUNCILWOMAN GALVIN: Yes, I did. I received the material on the water district extension, some of the additional minutes of various meetings and several other matters that were on the agenda this evening.

SUPERVISOR RINGLER: Okay and... but what my point is, what you received today -- the only thing that I knew that was being distributed today was the item for the agenda was the water district and I told Bruce when he sent it that if the Board had an objection and did not have time to review it -- and Charlie was there when I said it -- we wouldn't act on it tonight. But, as you know, I make every effort to get the packets out on Friday and yes, when there is minor things to be added that sometimes will be done but if something of that important will be included on your Friday packet and you will have some substantial time to review it.

COUNCILWOMAN GALVIN: I just wanted to be clear that we will be receiving all of that.

SUPERVISOR RINGLER: If that was on the agenda tonight without that information you would have a gripe. If it is on the agenda next meeting and you don't have that information you will have a gripe.

COUNCILWOMAN GALVIN: I just wanted to make sure that we are going to be receiving all the documents that Mr. Barr indicated we would be getting.

SUPERVISOR RINGLER: Yes. Well, I want a list of that because I wasn't at the meeting. But, if I don't get it from him, I will get it from you.

COUNCILWOMAN GALVIN: Okay, could I ask Bob to...

SUPERVISOR RINGLER: I am sure Mr. Barr will get it for us. No problem.

COUNCILWOMAN GALVIN: That's all right. If you want a list, I am fully prepared to provide it right now.

SUPERVISOR RINGLER: No, I will get it from Martin. No, that is okay.

COUNCILWOMAN GALVIN: I can give it to you from Martin, right now.

SUPERVISOR RINGLER: No, it is all right.

COUNCILWOMAN GALVIN: It is from Martin's mouth. The video tape of that Planning Board meeting, it takes approximately 2 minutes.

SUPERVISOR RINGLER: No, since I am not Chairman of the Planning Board meeting, I don't want to see any more of the meetings if I can at all help it. I have enough of my own meetings. Anything else anyone else would like to bring in? Anything the public would like to bring up?

MRS. CAPONE: I was reading the minutes of the Traffic Safety Committee meeting of August 19. The discussion on basketball hoops. Chairman Wickham informed the Committee that the basketball hoops do not fall into the current wording of the highway obstruction. He was informed by the Supervisor and the Town Attorney, basketball hoops was not included in the wording of the Code. Lieutenant Vanderbilt wanted to know if the wording was going to be changed. Chairman Wickham responded not at this time. Mr. Schmidt stated that Mr. Peters buses and the Town trucks do not fit under the hoops. Some of the hoops are not 10 feet high. Do you intend to do anything about the basketball hoops?

Discussion
Basketball
Hoops

ATTORNEY KAPLOWITZ: Let me say something. Marie, I never told them that it doesn't apply to basketball hoops because I believe it does apply to basketball hoops. It says, as I recall, shrubs, trees,

whatever and other obstructions that block. So, it applies to anything that might block site distance or is a hazard that's on the Town right-of-way. So, as far as I am concerned, it does apply to basketball hoops. It also gives the Building Inspector the right to enforce the ordinance and it is within his discretion to go out and if he sees something that he thinks is hazardous, he should do something about it.

MRS. CAPONE: Okay. Sometime the Town does not have that much land, okay. It came upon that Mr. Peter when he started his buses in September he went by one and his mirror got hooked in it and that is when he brought it up to our Committee.

ATTORNEY KAPLOWITZ: Was it on Town...

MRS. CAPONE: Is the Town going to do anything about it?

ATTORNEY KAPLOWITZ: Was that on Town property or on the homeowners?

MRS. CAPONE: It was on private property but the Town didn't have much. There are places where the Town has very little.

ATTORNEY KAPLOWITZ: Well, if it is on Town... on private property and he has a problem with somebody, he ought to sue them or do -- we can't tell people what to do on their private property. We control the right-of-way and that's what our ordinance controls, is obstructions in the right-of-way.

MRS. CAPONE: Okay. If it's on their property but it is an obstruction to the traffic, it is not... Bernie, it is not the hoop, it is the children goes in the street. Okay, the first time this was brought to me is your blind man on your committee that said his dog is not trained to react to a fast person coming at him. And, that is when I told him the same thing will happen to a woman with a baby carriage or an old man with a dog. They are not trained to react fast when children come at them.

ATTORNEY KAPLOWITZ: Are you suggesting that we take away all basketball courts because...

MRS. CAPONE: Yes, why don't you?

ATTORNEY KAPLOWITZ: Well, it is up to the Town Board. I wouldn't do that personally but that is up to the Town Board to decide.

MRS. CAPONE: I agree, basketball hoops that are hooked to a garage is not a big deal. But, those that are close to the road are an obstruction not so much a hoop as the kid in the street.

ATTORNEY KAPLOWITZ: Those that are on private property, there isn't much the Town can do about. If they are on the right-of-way, then that is the ones we are talking about, if they are considered hazardous. You can't -- what if the children are playing ball on the front lawn and throw the ball out and run out into the street. You can't say you can't play ball in your front lawn anymore.

MS. S. CAPONE: But the thing is, a lot of times when these kids have their basketball game going, they won't move out of the road if a car is coming. So then, you do have an obstruction.

ATTORNEY KAPLOWITZ: But, how much control can the Town have over that kind of thing?

MS. S. CAPONE: The child, but you are talking about if you hit the kid then the Town is dragged into the litigation because it is on the right-of-way.

ATTORNEY KAPLOWITZ: Not as far as I am... no, your mother's first was talking about those that are on private property.

MS. S. CAPONE: No, she is talking about the ones at the end of the driveway that are facing into the road and they use the road as the court. And, they have one on each side of the street.

ATTORNEY KAPLOWITZ: Well, the Board would have to study it. But, I never told him that they are... that the ordinance does not include them.

MRS. CAPONE: Well, it is written like that. Okay, what I am saying here, you are being made aware of it, if there is ever litigation it is you people who that will answer it all.

SUPERVISOR RINGLER: Well, if we... we are looking at these on individual cases. If the School District or the Highway Superintendent feels that it is an obstruction for their vehicles, Mr. Flanigan will ask them to be removed, as he has done in some of these. It has not been the blanket policy to say that they are all hazardous. Yes.

MS. KRIEGER: It is not the basketball hoops...

SUPERVISOR RINGLER: Can I have your name? We have to get your name in the record.

MS. KRIEGER: Abigail Krieger. The way she is saying it, she is making it sound like it is not necessarily the basketball hoops but it is controlling the children running out in the street. It is not the basketball hoops problem, it is the children. I understand that they are not supposed to be in the street and that is something that children need to learn.

MS. S. CAPONE: But, we are not talking the children age 4 and 5, we are talking kids your age that will not get out if a game is in progress. They will sit there and tell you forget it, wait until we are done and you don't tell a car wait til we are done.

SUPERVISOR RINGLER: And, I am not so sure many cars are going to wait until they are done.

MRS. CAPONE: But, we had the same thing on Fairlawn, they played baseball, the third base was in the middle of the street and they wouldn't move for nobody.

SUPERVISOR RINGLER: Yes.

MR. SCHMIDT-RENKHOFF: My name Sebastian Schmidt-Renkhoff and I think I should be in the record since I signed at the beginning of the meeting.

SUPERVISOR RINGLER: Okay, we will get your name, as long as we know your first name, we are not going to ask you to spell it.

MR. SCHMIDT-RENKHOFF: Exactly, because it is the usual problem I've got with people. Well, I've got just kind of a problem with the idea that you, in my personal view, kind of generalize the fact that maybe some kids don't stop when the basketball game is in the middle but one time when I was... pretty similar thing, had to make another report and to make an interview about this and the guy I had to interview wasn't there, we just started kind of a game and of course, we stopped when the car came. And I think there are lots of kids who will stop when a car comes and even if the basketball game is in the middle and so I would really say please don't generalize it and please don't say the kids in referring to this behavior, okay? It is just something I kind of...

MS. S. CAPONE: Even if it is just one kid that doesn't get out of the road, if he is hit by a car, that is one too many kids.

MR. SCHMIDT-RENKHOFF: Yes.

MS. S. CAPONE: And, a road by its very nature, is not to play basketball, it is to drive a vehicle on. They didn't build the roads to be courts, they would have had a little demarkations.

ATTORNEY KAPLOWITZ: Suzanne, would you barr all the joggers from using the roads?

MS. S. CAPONE: Well, they use the side, except for a few. I have seen one guy that jogs on the yellow line.

ATTORNEY KAPLOWITZ: Some of them are very dangerous.

MS. S. CAPONE: Well, you know, most of them are on the shoulder of the road. They are not in the center of the court.

SUPERVISOR RINGLER: Young lady.

MS. GORDON: Samantha Gordon. I just... I don't think basketball hoops really has to do with it because if kids are going to play baseball in the street -- are you just going to ban baseball? I mean, kids are going to play in the street no matter what toys you take away from them. It has nothing to do with it.

MS. S. CAPONE: Yea, but you are just putting another hazard into the line of traffic that shouldn't be there.

MS. GORDON: But, basketball is not the point, is basketball hoops -- I don't see that many kids actually playing basketball in the street. I see more kids playing kick ball or baseball or just running around.

MS. S. CAPONE: Do you drive?

MRS. CAPONE: But, if the group are getting it from some reason.

MS. GORDON: Yes, I do.

MS. S. CAPONE: Because, when I drive in the summer time, every side street has a game going.

MS. GORDON: It is a small town.

SUPERVISOR RINGLER: Well, you know, Suzanne, I hear what you are saying and there is going to be a conflict on that for years. There are a lot of people that have the same philosophy that you do.

MRS. CAPONE: Oh, no, no, no, somebody will sue you and then you will take care of it.

SUPERVISOR RINGLER: Okay, can I finish now? A lot of people have that same philosophy that kids shouldn't be in there. However, there is a lot of people that believe that they move into a neighborhood and it is a quiet neighborhood, that the kids go out in the street. I grew up in the city, the only place we had to play was in the street. We played football all the time, we did get out of the way but...

MRS. CAPONE: I didn't let my children, never played in the street, never.

SUPERVISOR RINGLER: Well, you live on Delaware Avenue. I wouldn't let my child play in the middle of Delaware Avenue either.

MS. S. CAPONE: But, Mr. Ringler, when you build these developments like Dowerskill and all these, you ask that they put these amenities in. They put these amenities in, then the people put it at the end of their driveway. Then why should the builder be made to put a basketball court in if these people are going to put it at the end of their driveway?

SUPERVISOR RINGLER: Well, you know, I told you, it is an age old argument and I don't have a simple answer to it except that I think that -- I don't see it as a serious problem.

MS. S. CAPONE: It's because you are putting another hazard on a motorist and if you look at the infrastructure there is a tremendous amount of traffic. Even on the back streets now days you have a build-up up traffic and then you have these kids darting in and out for their basketball, not wanting to stop the game, the discourtesy is tremendous. So, you know, you either cut it... and you said you will do it on a case-by-case but what happens if...

SUPERVISOR RINGLER: You are talking something different Suzanne. You are talking basketball hoops as a symptom but then you are talking all these kids that are in the street for various purposes and how are we going to address that?

MS. S. CAPONE: No, I am saying... you said you would do the basketball hoops on a case-by-case. What happens if you take one at one address and 3 doors down the street you leave that one up? Then the neighbor is going to come in and say, you took mine but you left theirs, so I want mine back.

SUPERVISOR RINGLER: Yes, you are right, and each one is an individual case depending on what the hazard is.

MS. S. CAPONE: So, isn't it better to have a blanket regulation and then everybody will be upset with it?

SUPERVISOR RINGLER: Well, I am not so sure about that. Sir.

SUPERVISOR RINGLER: Sir, your name please.

MR. GLAZER: My name is Joe Glazer, I live at 52 Hudson Avenue. I have a couple of questions concerning a dump site on North Street. I don't know if you are familiar with it but I just wanted to raise some issues. It seems that since, according to the request that we have for a permit to construct a dump, it seems that there are a number of items going back into what is originally slated as being a yard waste site that has gone well beyond the bounds of what is legal regarding yard waste. From 1974, we have been able to get through the Freedom of Information Law, a permit to construct involving a Mrs. Wright, who owns property back there, and the Town of Bethlehem. There has been talk about the possibility of applying now for a C & D permit and there are a lot of unanswered questions in between here and there that we are trying to get some answers to -- myself in conjunction with the other people who live in the neighborhood.

Discussion
North Street
Dump

First question is, we found a permit to construct but no where in any of the files have we been able to find a permit to operate. I was wondering if there was a permit to operate available or if we could do something to try and locate one.

SUPERVISOR RINGLER: Bruce, you want to respond to this?

MR. SECOR: Do you have the copy in front of you?

MR. GLAZER: Yes, I do.

MR. SECOR: Doesn't it say permit to construct and operate right on that?

MR. GLAZER: No, it says permit to construct.

MR. SECOR: Right on the cover letter from the Department of Health, what does that say?

MR. GLAZER: The cover letter says permit to construct and operate. The permit says a permit to construct.

MR. SECOR: Again, I have looked at that and I have written to the DEC to ask them the status of that and the status of the site.

MR. GLAZER: Okay.

MR. SECOR: And, again, we had a meeting with a number of people from the neighborhood a week ago Saturday or whenever it was and tried to explain the whole process. That site was looked at by the DEC back at that time, a permit was issued, they had inspected it from time-to-time and found some problems, which we moved to rectify. Most recently, I would say about 3 or 4 years ago, they came and looked at it and gave us the determination that they thought it was an exempt site because there was only yard waste going in there, it

was all in the Town of Bethlehem. Very recently Howard Vics from the DEC informed us that they have now made a determination that we need to get a permit. So, I asked him, what permit do we have to get? He said a C & D permit which would be restricted only to yard waste. I said, fine, that is all we want to put in there is yard waste and we would go along with that. I talked to Mr. Duclos today because I saw a letter to some of the neighborhood people which referred to some -- it implied some duplicity on the part of the Town, which is certainly not the case -- in that letter to the neighborhood people, said that there was a special permit for yard waste only. So, I called the DEC again and I talked to both the regulatory people and the regulatory affairs people, Bill Clark said that they would issue a permit which would be just a yard waste permit and they would come up with a special name for it. Although, in the general determination of things, if you look up the 360 law, there is a section for sanitary landfills and a section for C & D landfills and a section for various things -- there isn't a section that says yard waste any place. There is a section for composting. So, it is just a terminology type thing but what we were planning and Gregg and I met with the people from En Con and what we are planning to apply for is something that would basically be a yard waste disposal area and with that -- we are also doing some composting there which is under the regulatory limits. So, that is an exempt facility at this time because it is below the tonage limit which requires a permit for composting.

So, we have discussed this rather fully with the DEC.

MR. GLAZER: So, you are saying, at present you are not required to have a permit to operate?

MR. SECOR: At... the last time they gave us a determination, they said it was exempt. With the change in the rules that occurred about -- what a year ago December or about 2 years ago the rules changed, they looked at it again with the new rules and said that they now feel that we should apply for a permit. Which we have met with them and gotten the ground rules straightened out and we told them that this winter we would work on a permit application which we intend to send in. Again, we are only asking for yard waste. That is all our intention is to ask for.

MR. GLAZER: Okay, so then in essence, what you are doing is you are still working off of what would be the 1974 permit.

MR. SECOR: I am not sure again. I have asked them for a written determination on whether that permit is still operative since the rules have changed a number of times. What really is occurring now is, it is being run as the Town always has run it, as a yard waste disposal area and the most recent determination we had had, prior to this year, was that it was exempt and we did not need a permit. So, now if they say we need a permit, we will try to fill out a permit.

MR. GLAZER: And, because under Part 360, every permit must have an expiration date within 10 years of it being signed.

MR. SECOR: That is the current 360. Again, I have also asked the DEC to -- I don't know what laws were in effect at the time that 1974 permit was issued. And, I have asked them to make a determination, I don't expect that I will get that in the next day or two because I think they refer that off into Counsel's office.

MR. GLAZER: But, there have been lease renewals on that site.

MR. SECOR: That is a lease renewal between the Town of Bethlehem and Mrs. Wright, right.

MR. GLAZER: That was in 1985 is for a 10 year interval.

MR. SECOR: I think that is the last one we talked about.

ATTORNEY KAPLOWITZ: Sounds right, I am guessing too.

MR. SECOR: I think you are right.

MR. GLAZER: So, there is no renewal date in the present permit.

MR. SECOR: There is no expiration date in the permit that was issued to Mrs. Wright. Again, we are trying to verify that.

MR. GLAZER: Yes, because the law clearly says that you have 180 days within the time of the expiration to go out and renew or to file your application for a permit renewal.

MR. SECOR: But, again, I think you are talking about the existing law. I don't know... I have seen some matters come down that said you can't apply existing law to a previously approved area so, again, I have written to DEC and asked them for a written determination of where we stand in the matter.

MR. GLAZER: We will see about when the next determination comes down, we would like to get a copy of it.

MR. SECOR: Yes, sure. We will share it with you, we are waiting for them to do it. And, I also wrote to the Albany County Health Department with a copy of the letter to DEC to ask them also if they would search their files. I went down there last week and met with Mr. Lukowski and went over the files and I don't think there was anything less than 10 years old. I don't think there was anything more current than about 10 years ago that he had in the file, at least of what I saw.

MR. GLAZER: That's the same thing that I have encountered, okay.

MR. SECOR: Okay.

MR. GLAZER: Except for the renewal of the lease which is within the last 10 years.

MR. SECOR: Right.

MR. GLAZER: The other thing, I guess this is what raised my greatest concern is that there is a letter that was sent from former Town Councilman Bob Burns, that was supplied to, oh, okay... the version I had was for the sake of the people it was written to was me given to me for knowledge purpose only and I am not sure.

MR. SECOR: It was written to Mr. Cross, who was the previous Highway Superintendent.

MR. GLAZER: But, it delineates as it says, there was... that Mr. Burns took an approximately 20 minute unguided tour of the site and in that tour he found a number of things that were surprising to him that clearly under even the present regs are not C & D or yard waste. They include a mattress, several old pipes -- which is probably not yard waste, maybe C&D -- large quantities of scrap wood lumber which isn't yard waste, maybe C&D.

MR. SECOR: That is mainly C&D, right.

MR. GLAZER: Large quantities apparently to be truck loads of old blacktopping material.

MR. SECOR: Well, that is exempt fill and that is not covered under either C & D or... that is like excavating material.

MR. GLAZER: Well, C & D, the definition of C & D has to do with uncontaminated blacktopping material. I am not sure...

MR. SECOR: That is excavating, in other words, when we dig any holes, whether they be water main repairs or sewer repairs, when you dig that sloppy gravel up, it has to go some place. So, we take it out to North Street or to the nearest disposal site to the excavation area.

MR. GLAZER: But, it clearly is not yard waste.

MR. SECOR: But, it's fill material. It is not a regulated material. If we dig up a street or remove a sidewalk, that is not a regulated material, that's just fill.

COUNCILWOMAN GALVIN: Excuse me, can I interject with a question for you, Bruce?

MR. SECOR: Sure, yes.

COUNCILWOMAN GALVIN: Is all paving material exempt? I believe that there is certain paving material that under 360 is nonexempt.

MR. SECOR: I am not aware of the distinction.

COUNCILWOMAN GALVIN: Because of its content.

MR. SECOR: Again, I am not aware of the distinction there.

COUNCILWOMAN GALVIN: There is a distinction, I am sure.

MR. SECOR: I can check but the... I have never seen anyone make a determination that if you dig a hole to fix a water line or fix a sewer line or whatever, that you are digging anything except dirt out and putting the dirt back. We reuse whatever we can.

COUNCILWOMAN GALVIN: It is the paving material that's an issue.

MR. GLAZER: Yes.

COUNCILWOMAN GALVIN: I think I know what...

MR. SECOR: All right.

MR. GLAZER: Because this says old blacktopping material. I would assume that blacktop.

MR. SECOR: We don't dig up new blacktopping material unless we absolutely have to. I mean...

MR. GLAZER: Well, what do you do when you resurface the road?

MR. SECOR: Well, old blacktop... well, when you resurface a road you go over the top. I mean in most instances there is shimming and some regrading. Most of the time when you dig, except for road reconstruction...

MRS. CAPONE: Can use it on the sidewalk.

MR. GLAZER: Also in there was an old rug, cabinet doors, plastic poles which may or may not be C & D depending upon what type, discarded lounge chairs, an old bike, an old chair, a typewriter, children's sliding board, a stereo set, a bug zapper and as Mr. Burns wrote, fantastic kitchen sink.

MR. SECOR: Well, the thing to note there is, again, the only people who dump in there... the only people that are going in there are Town trucks. We are in and out of there during the day when the loading is heavy -- and Gregg runs it, I am just talking just because I turned around at you I guess -- but, there is an operator there on a machine, pushing off and putting on the cover material, whatever. One of the instances where demolition material was put on there was when Mrs. Wright, herself, had taken down a shed or an addition or something and she does have the right on her own property, she has a permit -- now whether the permit is expired, unexpired, whatever, we will find out. But, the bottom line is, there was a piece of rug which however that got in there, I don't know but it was picked up -- all those materials were picked up and taken down to the Rupert Road facility and put in with the C & D facility. But, a cabinet door or a limb or a board, they are all wood. I mean, how excited can we get here about whether... what is going on there when you are dealing with a site that was originally permitted for that. It was only that it was the determination of the Town to limit to yard waste and yard debris that really closed in on the...

MR. GLAZER: So, you are saying this was being used as a landfill then before 1974.

MR. SECOR: Oh, back in the 1940s. I mean, it was originally a landfill back long before the Town got involved and then the Town ended up to be, as of '74, to be involved in it as using it as a yard waste disposal area.

MR. GLAZER: Okay. Now, that is the other issue that you addressed but I see, I have no written record of that in the file but I have no record of remediation of those things that are in there. I don't know if that was done, if there is a record of it.

MR. SECOR: Well, and I didn't have time to... Did you check the minutes?

MR. SAGENDORPH: No, I did not check the minutes.

MR. SECOR: I will have to check. I think after that occurred it came back to the Town Board and was addressed at a later Town Board meeting but I will have to check that, I did not have a chance to look at the Town Board minutes of about that time period. We will have to look into that.

MR. GLAZER: Okay. The Town is preparing to apply for a C & D permit you said.

MR. SECOR: The Town is preparing to apply for a yard waste permit. DEC's original task to us that that would come out under a C & D -- just like when you go in to get a driver's license -- you say I am going to go to Motor Vehicle and get a driver's license, once you get there you have to tell them if you want to drive a motorcycle, a school bus, tractor-trailer, car -- you have to get a specific license once you are there. From what I talked to Bill Clark today, he seemed to think that they could make up a title of yard waste disposal, fill permit or whatever. And, Bill can do what he wants to do but I don't see where there is a classification for that directly under 360 but that is all we are going to apply for.

MR. GLAZER: Okay. Well, in that case, will you have to remediate the C & D that is in there?

MR. SECOR: No.

MR. GLAZER: If it does not qualify under yard waste?

MR. SECOR: No, because it is -- again, the area that is there is covered and it is a preexisting site that existed prior to the current permit application.

MR. GLAZER: And, it has been properly closed and the closure meets all of DEC's regulations?

MR. SECOR: We have not sent in a closure plan for the old area. The area has been closed over, it has been capped with the clay material that is available on the site but no closure plan has been reviewed by the DEC for that at this time.

MR. GLAZER: Are you saying then that the yard waste?

MR. SECOR: No, some areas have been closed and capped with dirt. Okay, there is an active area which is currently being filled, that obviously hasn't been closed off yet.

MR. GLAZER: What you are saying is that the yard waste is going to go into a separate location than where the C & D is presently being disposed?

MR. SECOR: No, there is no presently being disposed C & D, it is all yard waste.

MR. GLAZER: Okay.

MR. SECOR: And, it has only been yard waste for a while. I mean, that is leaves, yard waste, grass clippings, brush. I don't know, how many years ago did we take the paper bags on -- about 3 years ago, 2 years ago.

MRS. FISHER: September '90.

MR. SAGENDORPH: Two and a half -- 1990. Everything happened in the summer of 1990. That is when DEC said maybe you are... up at that point we were exempt but then they started to monitor it more -- whether it was the Burns letter that started that and that is when yard waste only. No more plastic bags, only yard waste has gone in there since the summer of 1990.

COUNCILWOMAN GALVIN: What precautions do we take, if any, to prevent the infamous midnight number?

MR. SECOR: It is a gated site.

MR. SAGENDORPH: There is a gated site. The gate up until the meeting on October 31st with the Homeowners Association, the gate had not been locked every night. Now, the gate is locked. There is a separate access for Marie, she has a wooden gate where the slats can be slid out. Once again, it is her property and her well house is down on this site and she needs to gain access to that once in a while.

MR. DUCLOS: I would like to add the previous residents in that area had seen midnight dumpers. Specifically, one night, two unmarked white vans.

MR. SECOR: But, did they actually see them dump or just see them drive past the house?

MR. DUCLOS: Yes, they told me they saw them dump.

MR. SECOR: I would be very interested to talk to them because Marie lives right there and her house faces to the area that is in question. They have to drive right in front of her house to get there and our...

MR. DUCLOS: I have seen weekend dumpers since I have been up there.

MR. SECOR: Have you actually seen them dump?

MR. DUCLOS: I have seen trucks go down with loads of junk in them and come back empty. I would assume that they went in there.

MR. SECOR: My question to you was, did you actually see them dump?

MR. DUCLOS: No, I didn't see them dump.

MR. SECOR: Okay, well then, yet you are saying they must be in there and we don't know that. Our people go back there on Monday morning or whatever, we are operating that site and I say, if you actually see somebody -- we had the same problem down at the Metz deal, we had complaints all the time. There are people in there 2 o'clock in the morning, they called the Police Department. The Police are on the roads 24 hours a day.

MR. DUCLOS: A guy walks behind a barn with a live deer and comes with a venison sandwich. You think maybe he might have killed the deer.

MR. SECOR: But, this is different, you live not too far off of Hudson Avenue and it is a mile or so back in there -- 3/4 of a mile -- so, that is the question. Have you seen them actually dump on the site? And, that is what I have got to know.

COUNCILWOMAN GALVIN: Have we done anything to monitor, at least spot check, to see whether or not there is midnight dumping?

MR. SECOR: To my knowledge, the only thing we found is the odd C & D which we then had to clean up.

MR. SAGENDORPH: My help on Monday, as they either take the first load of brush in or in the spring and the fall when the operator is there 5 days a week when it is the busy season, would notice this illegal dumping and they have been told to call us immediately. That

has happened once this year, Marie as the landowner has a right to dispose of stuff. They called me on a Monday morning, Marie had taken a shed down and disposed of it, we got rid of that material property at Rupert Road. Other than that, that is the only instance of illegal dumping that I have heard of or had my help and it wasn't illegal. It is the only instance of material going into that landfill since 1990 that is not yard waste.

MR. DUCLOS: I would like to follow-up though and include spring clean-up which was up until 1990 for 20 years or so. Anything and I underlined it in my newsletter, anything that was put by the side of the road made it into that thing except the very, very obvious.

MR. SECOR: But, again, I talked to you on the phone on that, Joe. There have been restrictions, you get a list of what is acceptable for spring clean-up -- that certain things would be picked up, other things would not be picked up and I don't know why you put in your newsletter anyway.

MR. DUCLOS: I know that but the point is, the stuff that is in Bob Burns' letter is only the tip of the iceberg, literally. Literally that stuff went down the road for 20 some years. Nobody knows what is in there. You don't know what is in there.

MR. SECOR: No, and that is true. It was used as a landfill long before I got here and before the Town was using it. And, it is true, I don't know what is in there.

MR. DUCLOS: And, it is fairly current, 2 1/2 years ago.

MR. SECOR: No, that is not true.

MR. DUCLOS: Well, it is because Bob found that stuff in August of 1990.

MR. SECOR: Yes, but what did he find, he found one piece of rug and some boards.

MR. DUCLOS: And, I also said that is the tip of the iceberg.

MRS. CAPONE: No, he said a mattress, a stereo, a bicycle, a baby carriage.

MR. DUCLOS: All kinds of stuff, stuff that was put by the side of the road. Anything that went out to the road, went into that dump. People think that all that stuff is compost back there and it all goes to the Highway garage, that stuff is 35-40 years worth of junk in there -- cars and tires.

SUPERVISOR RINGLER: But, that is not what we are proposing to do, I mean...

COUNCILWOMAN GALVIN: Is there oil or any other potentially hazardous waste in?

MR. DUCLOS: In '74 the County Health Department reports leachate on the surface 3 or 4 times, improper sloping. There was also a report to say it was corrected the following month but the leachate was observed there.

MR. SECOR: But, again, leachate could be just the water that runs into leaves and comes out. You don't know what that is.

MR. DUCLOS: I know, but all I know is that you were cited for it, the Town cited for it.

MR. SECOR: Well, Marie was, again, I don't know exactly all was going on there and I appreciate your saying that they did move in and remediate it and close it off and if you go down there now, there are dikes between... at the edge, you work into a dike and try to control and contain the fill so we cover over. We are covering earth to earth.

MR. GLAZER: So, if you saying there is a part that is no longer being used and has been capped.

MR. SECOR: As you drive in, the first 500 feet...

MR. SAGENDORPH: Right.

MR. SECOR: The first 500 feet is material that has been capped over and you are driving over a closed area of the filling.

MR. SAGENDORPH: And, there are mature trees in that area, 15 years old.

MR. GLAZER: So, what you are looking at is possibly -- needless to say then, waste that is in there that is at least 15 years old and some of it could be 50. In essence, you could be looking at a hazardous... inactive hazardous waste site.

MR. SECOR: Well, I wouldn't throw terms around because we don't know. But, the answer is, we don't know.

MR. DUCLOS: That is the scary part.

MR. GLAZER: So, in applying for the C & D permit, does the Town Board have to approve that application?

MR. SECOR: Yes.

MR. GLAZER: Will there be a public hearing?

MR. SECOR: I don't know. It will all be done publicly. The application process is something that we have to do engineering drawings and a plan and an operation report and a closure plan. There is quite a bit of work to putting the application together. That will be presented to the Town Board, I don't know if that or if the DEC on their end -- because again, they are the regulatory review process. I don't know, I can find out, I will talk to Mr. Clark and find out.

MR. GLAZER: I would imagine that it would be subject to SEQR.

MR. SECOR: Yes, that is true.

MR. GLAZER: Now, according to the recent map that I have seen and the zoning law, it is zoned A residential and I was wondering if there is a need for a variance in light of the fact that the landfill is presently on private property? Or is the Town planning on buying the property?

MR. SECOR: The use back there predates zoning to the best of my knowledge. So, I don't know and Bernie, I would ask you to think about that. The second thing, is it is a Town...

ATTORNEY KAPLOWITZ: The Town can pretty much ignore its own zoning, number 1 and 2 if it was in existence before the zoning ordinance was adopted, then it is a non-conforming use. We would have to verify all of that but if that is the case...

MR. GLAZER: Does the proposal for the C & D yard waste permit comply with the Town's comprehensive solid waste plan? I mean, is there provisions for this within the Town's solid waste plan?

MR. SECOR: The North Street site has been part of our solid waste disposal plan for 20 years and in the development of the composting work we have done, there is some going on at the Highway garage, we have started some up there and the use of the North Street site is one of the major facilities that we are using. Rupert Road and the North Street is where the yard waste goes and gets picked up. The longer range plan is to do more composting and we have a proposal which is part of the Solid Waste Task Force stuff for more mechanized yard waste composting facility which I pointed out, again, at the meeting we had that Saturday morning that that is a direction we would like to head but it is about \$500,000 or \$600,000 in capital outlay to get the start up costs.

MR. GLAZER: Well, the only other question I got -- everybody has got in their notes at this point -- I think, is probably liability. Because of the fact that we are... it is on rented land and there are previous dumpers, are we looking at a potential issue of very expensive liability if there are things that are found there that are very old and need to be remediated, we are talking about up to \$100,000 per acre of recent estimates of remediating improper landfills. Has there been any estimate or any decisions made as far as... if you are moving forward for a C & D yard waste permit, has there been any discussion, have there been any plans made, if the end result is possible liability?

MR. SECOR: I am not going to touch the liability issue because, again, we have been in the site for at least 20 years and probably longer than that.

MR. SAGENDORPH: Probably.

MR. SECOR: In terms of the new application, we will have to map out an area that we are going to apply for and make that presentation to the Town Board once we have done the studies. I really... I am reluctant to say too much now because we haven't done the mapping or the studies or anything yet.

COUNCILWOMAN GALVIN: Bruce, where do we stand in terms of the capping of the part that's got those mature trees?

MR. SECOR: That was capped 10 years or more ago.

MR. SAGENDORPH: Right, that was covered by clay from the site and that is why -- like I say, the trees have taken rut, they weren't planted, they just took rut. They grew out of the brush that was dumped there and it is a mature site.

MR. GLAZER: How much is the area of the site... I am sorry Ms. Galvin.

COUNCILWOMAN GALVIN: Go ahead.

MR. GLAZER: How large is the area that you are saying has been used previously and has since been capped? Can you give me an acres estimate?

MR. SAGENDORPH: If you went in... no, I can't give you an acres estimate, but if you went in the orange gate from that point to the well house, you are driving over old... the old site and off to the left and over that bank is the old site.

MR. DUCLOS: I would like to point out though, that the whole site is 32 acres, 22 acres dump, 10 acres covered. It is a really sizeable dump site.

MR. GLAZER: What do you think -- I don't know if you are far enough along in the process -- what do you think will be the sited size in the permit application?

MR. SECOR: Again, we haven't really done the study or done the sizing yet and that will... we committed to do this work in January after the highway season had done... there are a couple design jobs that we have to finish up for the Highway Department. But, we will be working on this in January with our goal to get to the Town Board in February.

MR. DUCLOS: How about the Town purchasing the property?

MR. SECOR: Again, that is a consideration the Board will have to think about once we have given our...

MR. DUCLOS: Has it been discussed?

SUPERVISOR RINGLER: Not with the Board.

MR. DUCLOS: With the property owner?

SUPERVISOR RINGLER: The property owner has suggested to us at least time renewal that she might want to consider offering it for sale but there has been no serious negotiations.

MRS. CAPONE: Bruce, have you ever looked into elderly people in this Town that would know how it was there 50 years ago?

MR. SECOR: Mrs. Wright has lived in that property since 1940 something.

MRS. CAPONE: Okay. Lindsay always live here, his father live here, grandfather was here as surveyors. Lindsay knows a lot about this Town, why don't you talk to him about it.

MR. SECOR: I can interview him and I will find out what I can find out but I am not sure he has been actively involved in the landfilling business but I can talk to him.

MRS. CAPONE: No, but he knows how it was 50 years ago.

SUPERVISOR RINGLER: You don't?

MRS. CAPONE: Lindsay.

SUPERVISOR RINGLER: How about you?

MRS. CAPONE: I have been living in this Town for 25 years.

SUPERVISOR RINGLER: All right, we all know what happened 25 years ago.

COUNCILWOMAN GALVIN: Bruce, with respect to the "capped" area, have we made any application to DEC for closure on that?

MR. SECOR: No, it was never deemed necessary. In other words, we were never told it was necessary to do any kind of a closure plan. Again, closure plans weren't even required until 2 years ago when the regs changed. This was closed 8-10 years ago. So, it predates all that.

COUNCILWOMAN GALVIN: Oh, I understand that it predates it but do we have...

MR. SECOR: But, in the new plan, we will have to come up with a complete application and that is something we will work on this winter.

SUPERVISOR RINGLER: Sherwood.

MR. DAVIES: Ken, Sherwood Davies. It is interesting you speak about this Part 360 and closure. I hope that the Town Board becomes familiar with the new regs. It used to be about 150 pages, I think probably that they are 250 pages now and 2 volumes.

SUPERVISOR RINGLER: I will have to hire 4 lawyers to figure that one out for me.

MR. DAVIES: Very specific on closure, somebody mentioned 20 years, I think it is closure and maintenance and perpetuity. And, there is a proposal to have the regs effective, these new regs, October of '93 and it is going to be awfully expensive both in closure and maintenance. There is a workshop in January and a public hearing in February on these new proposed regs. I do hope that the Town, because of its involvement with the present landfill becomes quite familiar with these proposed regs and I would like to suggest you get maybe the Association of Towns and Villages because from what I see, the State is proposing the carrot and stick approach. And, I think you have got to be awfully cautious with that type of an approach.

SUPERVISOR RINGLER: Well, Sherwood you are right and the Association of Towns has been attempting to deal with this with the State for several years as these constant mandates and without any assistance whatsoever. And, they are going to continue and we are going to continue trying to protect ourselves. I mean, the State of New York

is wonderful about putting out regulations and saying go with it but not really realizing what the ramifications are to the small municipalities.

Entertain a motion to adjourn.

COUNCILWOMAN FULLER: You had one a while ago.

COUNCILMAN WEBSTER: Yes.

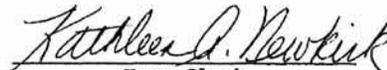
SUPERVISOR RINGLER: From whom?

COUNCILWOMAN FULLER: Me.

The motion was made by Mrs. Fuller and seconded by Mr. Webster to adjourn the regular Town Board meeting at 8:53 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

EXECUTIVE SESSION

On a motion by Ms. Galvin and seconded by Mrs. Fuller the Town Board authorized the Supervisor to enter into negotiations for the acquisition of property and easements so that we can proceed with water contracts and testing of well sites.

Executive
Session