

TOWN BOARD
OCTOBER 14, 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, I would like to call the regular meeting of the Bethlehem Town Board to order and the first item on our agenda is a public hearing regarding the 1993 Assessment Rolls for the Bethlehem Sewer District. I ask the Town Clerk to read the call of the hearing.

TOWN CLERK NEWKIRK:

TOWN OF BETHLEHEM
NOTICE OF PUBLIC HEARING

Public
Hearing
1993
Sewer
District
Assessment
Rolls

WHEREAS, 1993 assessment rolls have been prepared for the Bethlehem Sewer District and it is necessary to hold a public hearing with reference thereto,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hold a public hearing with reference thereto at 7:30 p.m. on the 14th day of October 1992, at the Bethlehem Town Hall, and

BE IT FURTHER RESOLVED, that the Town Clerk be, and she hereby is authorized and directed to publish a notice of such hearing in The Spotlight, a newspaper published in Albany County and having a circulation within the Town of Bethlehem, on the 23rd day of September 1992.

The foregoing resolution was presented for adoption by Councilwoman Galvin, seconded by Councilwoman Fuller and was duly adopted by the following votes:

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

Noes: None.

Dated: September 9, 1992.

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STATE OF NEW YORK
COUNTY OF ALBANY

KATHRYN OLSEN of the Town of Bethlehem, being duly sworn, says that she is the bookkeeper of THE SPOTLIGHT, a weekly newspaper published in the Town of Colonie, County of Albany, and that the notice of which the annexed is a true copy, has been regularly published in said THE SPOTLIGHT ONCE A WEEK FOR 1 WEEK consecutively, commencing on the 30th day of September 1992.

/s/ Kathryn Olsen

Sworn to before me this 1st
day of October 1992.

/s/ Bruce A. Neyerlin
Notary Public

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

KATHLEEN A. NEWKIRK, being duly sworn, deposes and says that she is the Town Clerk of the Town of Bethlehem, Albany County, New York and that I posted on September 30, 1992, a Notice of Public Hearing, a copy of which is hereto attached, on the sign board of the Town

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maintained pursuant to subdivision six of Section Thirty of the Town Law.

/s/ Kathleen A. Newkirk
Town Clerk

Sworn to before me this
5th day of October, 1992.
/s/ Kenneth P. Hahn
Notary Public

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SUPERVISOR RINGLER: Thank you, Kathy. Motion to indent.

The motion was made by Ms. Galvin and seconded by Mr. Webster to indent the Notice of Public Hearing, Affidavit of Publication and Affidavit of Posting on the Town Board minutes. 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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Each year according to State Town Law, we have to have this public hearing and which residents may come and grieve the sewer assessment rolls which are present on this table over here. We now open it up to the floor for anyone who would like to grieve their assessment.

COUNCILMAN GUNNER: Could I just ask a question beforehand?

SUPERVISOR RINGLER: Sure.

COUNCILMAN GUNNER: Have we annually done this at a meeting like this before?

MR. SECOR: Yes, we have.

COUNCILMAN GUNNER: And the books were here before too?

MR. SECOR: We have a public hearing every year.

COUNCILMAN GUNNER: So, that would be in the minutes for each year?

MR. SECOR: Yes.

COUNCILMAN GUNNER: Public meeting... at one of our Board meetings?

MR. SECOR: Yes.

COUNCILMAN GUNNER: I am not asking... I know that there may have been one at another time, that is a possibility and at a Board meeting.

MR. SECOR: Right.

COUNCILMAN GUNNER: Thank you.

SUPERVISOR RINGLER: Any other questions? There were none. Comments?

MR. DAVIES: I have a few copies here if anybody would like one. I think there are enough there. I have made comments over the last year and a half, Ken, to you in writing and verbally with regards to the so called sewer tax. This public hearing was announced over 2 weeks ago. Beginning a week ago, I was seeking information on the tax rate for the sewers and the extension and in Delmar/Elsmere Sewer District, the front footage charges and the water use surcharge. And, I was unable to get it, I checked many times with the Town Clerk. I think she will verify that.

I see over here 5 documents. There are probably 25 to 1,000 to 40,000 entries and different charges for the 11,000 parcels of property throughout the Town. I don't believe it is the Town Board's

role to give the blessing on each and every one of those but I would urge that the Town Board take a look at the rationale behind how the tax rate is established, how front footage assessment is established and how the water use surcharge is established. Let me just say this, that an older home in Delmar/Elsmere Sewer District assessed on an average of \$130,000 pays about \$110 to \$140 more than a commercial establishment equivalent assessment or a home in an outside sewer district and I will comment on that later. I should say in a sewer extension. This is considerably more than the differential in the homeowners versus the non-homeowners charge of approximately \$60 for a property assessed for \$130,000. I think it does merit further look see on the part of the Town Board with regards to what we are paying. With that, let me just run quickly down here.

The residents will be paying into the sewer fund tax and tax is in quotes about 4 times more than the Town tax rate and more than the combined total of the highway and the Town tax. Sewer fund is the highest of all local property taxes. \$250 versus about \$750 total for all Town. So, it is a significant charge.

Within the last few years the Town administration made significant changes in the established rates for the property tax, front footage charges or assessments and water use surcharges. There appeared to be little Town Board oversight and no detailed discussion on the rationale for making these significant changes. I think the record will show that clearly.

MR. SECOR: The record does not show that.

MR. DAVIES: All right, we can discuss that. I was unable to find any record of the Town Board approval of last year's front footage charges and water use surcharge rates. If it is available, I would like to see it. In 1993 a Delmar/Elsmere Sewer District homeowner assessed at about \$130,000 will pay a sewer fund tax of about \$250 broken down -- property tax about \$61; front footage assessment about \$32; and water use surcharge \$157. A commercial establishment, office or vacant land assessed for \$130,000 pays \$100 to \$135 less than the homeowner.

The Town acquired millions of dollars in bonded indebtedness in order to expand sewer service to outlying areas. The current cost for this debt amounts to over 1.2 million per year or 45% of our total sewer budget. The excessively high water use surcharge rate, 160% of our water rate, results in the residential user paying a lions share of the bonded indebtedness.

Some observations --

The sewer fund charges for residential users are inequitable. Actually the assessment does not recognize whether vacant land is located within the sewer district or outside the sewer district and there is a considerable benefit to a developer or landowner with land in the sewer district. Significant changes by the Town administration our sewer fund charges has transferred significant costs to the water user. Current water users pay a lions share of the bonded indebtedness.

In 1990, the sewer fund budget showed an administrative item of \$60,000 which increased to \$104,000 in 1992 or 75%. Salaries assigned to the broader tax base were transferred to the sewer fund. The smaller sewer fund tax base resulted in an inequitable charge to homeowners within the sewer district. Although the sewer fund surcharge rates are 160% of our water rents, a large portion of the water used for lawn watering or washing of cars contributes nothing to the sewage treatment plant.

In 1993 the Bethlehem Town Budget shows the sewer revenue item as No. 1001, district property tax, \$2,475,665. This is incorrectly stated. In order to be consistent, the revenue item should be broken down into property tax, front footage assessment, and water use surcharge similar to the breakdown for the water fund revenues.

Is it legal to reflect in the budget a district property tax that in effect includes an assessment and a water use surcharge? Should the

Town include the assessment and surcharge as a property tax billed to homeowners? If not illegal, is it ethical?

In 1993, the actual cost of sewer collection and treatment amounted to \$1.5 million and bonded indebtedness at \$1.2 million. The homeowner pays an inequitable portion of the bonded indebtedness as a water use surcharge. A more equitable approach would appear to be the recovery of the bonded indebtedness through a property tax.

In recommendations, I think the Town should separately identify in the sewer fund budget an overall review of the annual cost for sewer collection, treatment and bonded indebtedness and establish the rational for assessing these charges in the form of property tax, front footage assessment and water use surcharge.

A reasonable approach for consideration might well be bonded indebtedness to be charged against property tax, sewer collection, front footage assessment, sewer treatment water use surcharge. And let me, just because somebody is going to question -- attachment "B" I made a cost comparison of sewer fund charges total property assessment \$520,000 because I couldn't come up with any commercial establishment or office at \$130,000, I picked the \$520. So, I looked at the Delmar/Elsmere Sewer District residents -- we have 4 homes about 1 acre of land assessed approximately \$520,000. I assume the commercial establishments, store, office whatever it might be on a half to one acre of property. In the sewer extension I picked a rather affluent residence -- 1 home on a 1 and 1/2 acre of land at \$500,000 and a land developer with 10 vacant lots in the sewer district with 5 acres. When you look at that, you can total up the sewer fund charges and then calculate it on the basis of \$130,000 of assessed valuation which reflects that the water user, the homeowner, through the water use surcharge pays a heck of a lot more than these other properties. And, I think the Town Board should consider the rational behind these charges.

SUPERVISOR RINGLER: Bruce, do you care to respond to that.

MR. SECOR: Sherwood, I have explained this to you seven different ways, most of which you have on this page is wrong. I have given you the computer printout to show you how it is wrong. I have told you you are mixing apples and oranges, you refuse to listen but I will go through it again.

In the beginning, you talk about the water use surcharge as a tax. The water use surcharge is a user fee just like you pay your water bill, you have to pay for the treatment cost. The majority, far and away the majority of the cost in the water use surcharge is for the treatment of the water. Out of \$761,000 there is only about \$20,000 or \$30,000 that is debt service. So, what you are recommending in here is that the majority of the money paid for water use surcharge should be an O&M cost. And, that is exactly what this does. I have given you a copy of this, you have gone over it and you just deny what you look at.

Operation and maintenance is \$732,000 and the total is \$761,000. And, I have given you copies of these printouts. So, 90% of the water use surcharge or 95% or some range in there, is already O&M which is exactly what you are recommending. But, you stand here year after year, time after time, saying black is white, it's not. And, the numbers are in here.

You go on to say that the Town Board doesn't approve the rates and that there is no record or history of it. Every year I sit down with the Town Board, I present my budget, and I make... I show the Board what the tax implications would be based on the budget I have presented. It has gone through the work sessions, it is covered at the public hearings, we have 2 public hearings every year -- the Town Board has to pass the budget, no one else can do that. The very... final decimal point that comes out of the tax rate is established by the County Taxing Commission when they sit down and establish the final rates. We do not set the final rates, the County does. Just like the Town tax or the school tax, the School Board does not set the tax rate. The School Board passes the budget and the tax rate

comes after that. You have to have a general idea of what that implication is going to be.

You drone on and on about a commercial establishment pays less than a residential establishment, that is not true because again, you are adding in water use surcharge. It's like telling me that I pay -- you are paying too much for gasoline because you burn 20 gallons of gasoline and I pay 10. You have to pay for what is used. That is the way this whole system is set up.

SUPERVISOR RINGLER: Just a question on that... I get the impression from Sherwood's comments that... I am incorrect because he does show a water use surcharge for commercial. Commercial does pay a water use surcharge.

MR. SECOR: Oh, certainly they do but again...

SUPERVISOR RINGLER: It depends on that business.

MR. SECOR: But, again, he is very conveniently picking a number of low water use. If he took a restaurant and looked at the water use surcharge, it would be a 100 times what a residence pays. But, he is assuming these numbers out of mid air to make his numbers look good.

MR. DAVIES: Oh, come on now.

MR. SECOR: Well, you are picking these numbers out of mid air.

MR. DAVIES: I don't think this is the time and place for a debate.

MR. SECOR: This is a public hearing, you have had your say, I am going to respond to you.

MR. DAVIES: All right, go ahead.

MR. SECOR: All right, the million dollars in sewer expansion funds -- there were millions of dollars of grant money that came from the Federal Government. We ended paying out about \$1.8 million, we had about \$4 million dollars in grant money that came into the Town for doing that. The people in the extensions are the only ones that pay for the sewer that were put in the extensions. Not a single dollar comes from Delmar/Elsmere Sewer District to pay for sewers up in North Bethlehem or any place else. Not a single dollar and all the accounting is here and I have gone over this with you 3 times. You sit there and shake your head but it is not right. I have done a very careful job of keeping this accounting straight because we had to submit the user charge system to the Federal Government in order to be eligible for those grants. I have been cost accounting that money in the same way it has been done for the last 15 years. And, it is all shown here and I have handed you these computer printouts. I told you if you did not understand them I would be willing to sit down and go over them with you.

The sewer fund charges for residential users are inequitable. That is not correct. This is the fairest system of any of the systems in the area. It says how many front feet do you have, you only pay for the front footage you have. The assessment pays for debt service only. There is only debt service in the assessment which is what you said in your letter you recommend. That is what we are already doing.

The O&M charge is -- the majority of the O&M charge is for the actual treatment of the water, which is what you recommended and that's what we are already doing. I don't want to go on and on but we have been through this...

MR. DAVIES: I would like to... this gets a little disturbing, quite frankly, and I have heard it before. First of all, I don't want the Federal Government to look after my interest on the sewer charges that you make and that you develop. It is not the Town Board. The Town Board has not established any rational.

MR. SECOR: Yes, they have.

MR. DAVIES: Well, you recommended something.

MR. SECOR: No, when we put together the Federal Aid package, a user charge system had to be sent in by the Town Board along with the application. That was all part of the application process.

MR. DAVIES: I would love to see it. So, we'll... the property tax...

SUPERVISOR RINGLER: Okay, why don't you guys get together again.

MR. DAVIES: The property tax... well, no, I think the Town Board has a responsibility here, if they have not looked at this rational, they should. Let me talk about the property tax. You do not include enough money as a property tax for the sewer fund to cover the bonded indebtedness and why not? You do not break it down into property tax, front footage charge and water use surcharge -- why not? It would be very simple if you did and assess it against that. Instead we play games with the computer for different calculations.

MR. SECOR: We don't play any games.

MR. DAVIES: Just show it in the budget.

COUNCILWOMAN GALVIN: Bruce... Excuse me, Sherwood, if I could interject for a moment. Bruce, when you are talking about the bonded indebtedness and when you are specifically referring to debt service, what is the dollar amount of debt service for next year's budget?

MR. SECOR: It is split out between extension 8, extension 14, the old sewage treatment plant -- the total amount for indebtedness is in your budget packets and it shows for serial bonds, for principal and interest. And, I don't have... do you have..

MR. DAVIES: 1.2 million, 45% of the total budget.

MR. SECOR: All right but it is in the codes so the total amount of indebtedness is shown in your budget under the item.

COUNCILWOMAN GALVIN: Would you take a look at Sherwood's schedule "C" -- on that, there is the appropriations showing administration, operation and maintenance at 1.5, 55% -- bonded indebtedness of 1.2 plus change -- are those figures essentially correct?

MR. SECOR: I would have to check but I assume it is near that.

MR. DAVIES: They are correct.

COUNCILWOMAN GALVIN: And the 1.2 or whatever the figure for bonded indebtedness is only referring to debt service, no retirement debt.

MR. SECOR: That is principal and interest. And, again in your budget, and I will give you the number out of the budget -- Serial 1.22 million, it's \$584,000 of principal and \$637 of interest. But, that is spread between the extensions that put in sewers in individual streets and there is individual contracts -- in fact, there were 49 contracts at one time, we are down to about 20 now -- where people are paying, again, just for the sewers in front of their streets. The extensions, North Bethlehem, the Selkirk area done under extension 14 -- only the people in those extensions are paying those costs. And, again, we have an accounting system that segregates those costs.

COUNCILWOMAN GALVIN: Of the 1.2+ change, how much of that roughly, I don't expect exact figures, is the specific contract bonded indebtedness for those specific extensions.

MR. SECOR: I would have to go through the contracts, Sheila, but I can give you general totals.

COUNCILWOMAN GALVIN: Just a general total.

MR. SECOR: This is all mixed together -- this just adds up to 1.2 million. The contracts run anywhere from \$5,000 to \$50,000 depending on the size of the contract that was put in and that is contracts 29 through 50. Contract C36590 which was extension 8 which was the major sewer district extension there is about \$600,000 is just in

that. That is when the sewage treatment plant was built, the interceptor sewers were in and the Delmar/Elsmere Sewer District was sewered. The rest of it is the balance of that, the other \$600,000.

COUNCILWOMAN GALVIN: So, it is roughly 50/50.

MR. SECOR: Between the old sewer district -- the little contracts, those contracts 29 through 30 the largest of that, the debt service payment is only \$9,000.

COUNCILWOMAN GALVIN: That is just nickel and dime.

MR. SECOR: It is, peanuts compared to the rest of them.

COUNCILWOMAN GALVIN: So, basically, 50% of the 1.2 is contract and 50% is the old district.

MR. SECOR: On a very rough basis, yes, that is the way it breaks out. And, again, only the people in the old district are paying for the sewers that went in to the old district and only the people in the new district are paying for the new sewers that went in with the federally aided money. It is split out that way based on construction costs and percentage of the bond issue.

SUPERVISOR RINGLER: Other questions?

MRS. CAPONE: Bruce, tonight, you just look like Al Gore.

SUPERVISOR RINGLER: He looks like who?

MRS. CAPONE: Al Gore.

SUPERVISOR RINGLER: Al Gore... God you say I look like Dan Quayle, we have everybody here tonight, Marie.

MRS. CAPONE: He is very calm and organized.

SUPERVISOR RINGLER: Anybody else? Would anyone else like to speak? If not, I would entertain a motion to close the public hearing.

The motion was made by Mrs. Fuller and seconded by Mr. Webster to close the public hearing at 7:50 p.m. The motion was passed by the following vote:

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

Noes: None.

Thank you.

Kathleen A. Newkirk
Town Clerk

COUNCILMAN GUNNER: What was that last thing that just happened? You were just acting on the motion to close the meeting?

Consider Adoption of Local Law No. 5, 1992 Stop Signs Iroquois Trail Mohawk Trail

SUPERVISOR RINGLER: Yes, nothing is approved, just to close the public hearing. Next item on our agenda is consider adoption of Local Law No. 5 of 1992 pertaining to stop signs at Iroquois Trail where it intersects with Mohawk Trail. The public hearing was held at the last meeting on this. As you know, there were some comments and disagreement -- many people said at a minimum put these two stop signs in and people felt that it should be a 4 way stop intersection. Does the Board have any comments or questions on this at this point in time? If not, I would entertain a motion to approve Local Law No. 5.

The motion was made by Mrs. Fuller and seconded by Mr. Webster to adopt Local Law No. 5 of 1992 pertaining to the following:

SECTION 119.10, Stop Intersections, Schedule VII, Section 119-33 AMEND VEHICLE AND TRAFFIC as follows to add:

Placement of two stop signs on the east and west side of IROQUOIS TRAIL where it intersects with Mohawk Trail.

The motion was passed by the following vote:

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

Consider Adoption of Local Law No. 6, 1992 Parking Prohibited Van Dyke Rd.

SUPERVISOR RINGLER: Next item on our agenda is consider adoption of Local Law No. 6 of 1992 pertaining to parking prohibited at all times at the entrance of the parking lots at VanDyke Road in Delmar near the school. At this public hearing, as you know, there were some students concerned about the parking at the school. It was reported in the media and I think a misunderstanding in the Times Union that we were talking about eliminating all parking on VanDyke Road which certainly is not the case. As a matter of fact, the Town when we widened VanDyke Road made sure we paved a wide enough shoulder that there would be parking near the school. I have discussed this and I have walked the site with the Principal, Mr. Hunter, and with the Chairman of our Traffic Safety Committee and basically, what this comes down to is that there will be 3 parking spaces lost in the vicinity of the entrances to the parking lots, to the school parking lots -- another 2 potential parking places lost at the entrance to the bus garage. I have been there on 2 occasions however, and nobody parks within 300 or 400 feet of the bus garage. So, as far as affecting parking, currently those 2 spots would not really affect anything. I also drove out of that parking lot and parked my car in there to see what the Traffic Safety Committee was talking about and there certainly is a sight line problem and I can understand their concerns about the safety of pulling out onto VanDyke Road with the traffic that is going down that road.

Mr. Hunter is in agreement with this recommendation. There has been much discussion among students and he has had the presidents -- I think it is the presidents of the class -- in to discuss it with him and I guess they are looking at some alternatives at this point in time in an attempt to try and find some additional parking over there and continue working at it.

But, I do recommend after the discussion with the administration that we go ahead with passing Local Law No. 6 and adopting the recommendation of the Traffic Safety Committee. Any questions?

COUNCILMAN GUNNER: Yes, I have a couple.

SUPERVISOR RINGLER: Sure.

COUNCILMAN GUNNER: First of all, I thought I remember in the discussion or in the written portion that the reason they wanted it

down by the bus garage is because it affected the sight line. And, you are saying that there is no -- nobody is parking there.

SUPERVISOR RINGLER: Not when I was there. Mr. Peters is here from the bus garage.

COUNCILMAN GUNNER: Mr. Peters.

MR. PETERS: Yes, I can say right now there is no parking down there. Last year at the end of the year, in May and June, we had a problem with cars parking down at the end.

COUNCILMAN GUNNER: When did the Traffic Safety Committee look at this?

MR. PETERS: We looked at it...

COUNCILMAN GUNNER: Oh, you're not on the... are you... yea, you are on the Traffic Safety Committee.

SUPERVISOR RINGLER: He is both.

COUNCILMAN GUNNER: Yes, you are both.

MR. PETERS: I looked at it at the end of last year -- was when we started to look at it and we have pictures of the cars that are parked there.

COUNCILMAN GUNNER: Why wouldn't they be parking down there this year?

MR. PETERS: It is not a problem right now -- in May or June it was a problem.

COUNCILMAN GUNNER: Oh, I understand why now, because more people turn 17 and get driver's license, okay.

MR. PETERS: Right.

SUPERVISOR RINGLER: So, as the year goes on, you have more people bringing in cars.

COUNCILMAN GUNNER: I am aware of that.

SUPERVISOR RINGLER: Yes, as you would know.

MR. PETERS: We are looking at alternatives and we have a feeling we are going to be able to add more parking at the high school anyway by changing the way we pickup for the buses.

COUNCILMAN GUNNER: Okay, I have a second question. I have heard this can be a problem because in the past we tried to get parking spaces up there. They did add -- the last time we had a problem, not dealing necessarily with the bus situation, but just with parking places up Brockley Avenue and so forth, and they added, I guess, about 10 or 12 places on the side of the road where you go in toward where the dumpsters and the custodial area is and that was a help. However, if what we do now and you say it doesn't, affects the Board of Education in any way where they would have to -- and maybe you would know -- whether they plan on building an additional parking place someplace -- I don't want it to be blamed on what the Town action was unless, I am aware, that they know that.

SUPERVISOR RINGLER: Right.

MR. PETERS: I don't think it is going to affect us that much. It is only going to mean total of 5 parking spots and what we are looking at is possibly an added 50 spots -- if what we are looking at is going to work.

COUNCILMAN GUNNER: So yea, they... now when you say we -- are you talking about the Board -- the School Board.

MR. PETERS: Well, we haven't presented... Dr. Hunter and I have been working on it. We haven't presented it to the School Board yet but

what we are planning on recommending will add a lot of parking. So, and the 5 parking spots that we loose...

COUNCILMAN GUNNER: So that problem would be resolved anyhow then.

MR. PETERS: Right, that is what we are hoping.

COUNCILMAN GUNNER: If it gets the blessing of the School Board. I guess the reason I am concerned, in reading the paper Dr. Loomis did say it is up to the Town Board and that is fine and I am... you know, knowledgeable about that responsibility. However, we should be aware that they are cognizant of what the impact is and I haven't heard... that is what... the question I asked the last time, why I didn't want to vote is -- is the Superintendent and the Board and the School Principal. I hear the school principal is aware of it but he doesn't pass action...

MR. PETERS: Dr. Loomis and the President of the Board are both aware of it.

COUNCILMAN GUNNER: And, they have contacted you and said that they are in favor of it?

SUPERVISOR RINGLER: Dr. Hunter has contacted me. I walked the site with him. There is a message on my phone directory that Dr. Loomis called today when I wasn't in and I understand that he is in agreement with this too as long as we are only talking about 5 spots.

COUNCILMAN GUNNER: Okay, that is the question I have been trying to get at.

COUNCILWOMAN FULLER: And, the important point is, only 5 spots. It is not all of the parking on VanDyke Road.

SUPERVISOR RINGLER: It is not all the parking on VanDyke.

COUNCILMAN GUNNER: No.

SUPERVISOR RINGLER: Is the Times Union here tonight? No, please do not print that tomorrow because the last time you did that... okay. Is there anyone else -- comment? Entertain a motion to adopt Local Law No. 6.

Adopt Local Law No. 6, 1992
No Parking Van Dyke Rd.

The motion was made by Mrs. Fuller and seconded by Ms. Galvin to adopt Local Law No. 6 of 1992 pertaining to the following:

SECTION 119-14, Parking Prohibited at All Times, Schedule X, Section 119-36 AMEND VEHICLE AND TRAFFIC as follows to add:

On the east side of VAN DYKE ROAD:

1. 125 feet north and south of the school bus garage entrance;
2. 30 feet south of the northern parking lot; and
3. 50 feet north and south of the southern most parking lot.

The motion was passed by the following vote:

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

SUPERVISOR RINGLER: Thank you, Mr. Peters.

MR. PETERS: You are welcome.

Accept Resignation Brian Lastra Assessor with Regret

SUPERVISOR RINGLER: Next I would like to accept the resignation of Brian Lastra, our Town Assessor, effective October 28, 1992 with deep regret. A motion to accept that? All right, we can't... you can't leave then.

CHAIRMAN GUNNER: Is he here?

SUPERVISOR RINGLER: He is in his office, I think.

MR. SECOR: I think I hear him packing.

COUNCILMAN GUNNER: He is worried enough that he is here to make sure that it went through, is that right?

COUNCILMAN WEBSTER: Somebody ask him to unpack.

TOWN CLERK NEWKIRK: There he is.

COUNCILMAN WEBSTER: You have to unpack.

SUPERVISOR RINGLER: Brian, we have some bad news, the Board will not accept your resignation. Brian, seriously, thank you for everything, you have done a super job for us in the short time you have been here and we are going to miss you.

MR. LASTRA: Thank you, I appreciate that.

SUPERVISOR RINGLER: Now, would someone offer a motion to accept this with deep, deep regret?

The motion was made by Ms. Galvin and seconded by Mr. Gunner to accept the resignation of Brian Lastra as Assessor with very, very deep regret. The motion was passed by the following vote:

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

SUPERVISOR RINGLER: Good luck, Brian.

SUPERVISOR RINGLER: Next I have a request from Chief LaChappelle -- here we go ---...

COUNCILWOMAN FULLER: Travel agent.

SUPERVISOR RINGLER: For approval of Detectives Cox and Corbett to attend New York State Police Sex Offense Seminar, November 16 through 20, 1992 in Albany with use of a police vehicle, \$50. per officer.

NYS Police
Sex Offense
Seminar

The motion was made by Ms. Galvin and seconded by Mr. Webster that Detectives Cox and Corbett be approved for attendance at the New York State Police Sex Offense Seminar, November 16-20, 1992 in Albany with use of a police vehicle and \$50. per officer. The motion was passed by the following vote:

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

SUPERVISOR RINGLER: Next the Chief requests permission for Mike McMillen to attend DARE High School Component instructor training, November 16-20, 1992 in Saratoga Springs and that is paid by DARE funds which are not Town funds.

DARE
Instructor
Training
Seminar

The motion was made by Ms. Galvin and seconded by Mr. Gunner to authorize Officer Mike McMillen to attend the DARE High School Component Instructor training, November 16-20, 1992 in Saratoga Springs, NY with use of police vehicle. 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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Symposium
On Rabies
and Animal
Bite.
Animal Control
Officers

SUPERVISOR RINGLER: Next a request from Chief LaChappelle for approval of Animal Control Officers Sleurs and Tompkins to attend a symposium on rabies and animal bite, November 21, 1992.

The motion was made by Ms. Galvin and seconded by Mrs. Fuller that Animal Control Officers Sleurs and Tompkins be authorized to attend a Symposium on Rabies and Animal Bite, November 21, 1992 at Albany, NY with registration fee paid and transportation by Town vehicle. The motion was passed by the following vote:

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

Approve
Attendance
Bethlehem
Networks
Community
Partnership
Police Dept.

SUPERVISOR RINGLER: Next a request from Chief LaChappelle for approval of Officer Bowdish to attend the Bethlehem Networks Community Partnership Program the 23rd and 24th in Warrensburg with transportation by police vehicle.

The motion was made by Mr. Webster and seconded by Ms. Galvin that Officer Bowdish be authorized to attend the Bethlehem Networks Community Partnership Program, October 23-24, 1992 in Warrensburg, 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.

SUPERVISOR RINGLER: Do you have frequent flyer mileage or anything like that?

Amend
BPA
Chadwick
Square, Sect. 1

SUPERVISOR RINGLER: Next we have received a recommendation from the Planning Board regarding amendment of the building project approval for Chadwick Square, Section 1. When Chadwick Square was first built, it called for a boulevard entrance at Quincy Road. If you look way back and look at the rational of that, it was pointed out in the minutes that one of the concerns with the Planning Board at that point in time was that if this was never completed further sections and you only had one entrance to a facility such as that, similar to Colonial Acres, is an example -- we would like to have a dual entrance for safety and so forth.

At this point in time, that has been changed. There are several entrances to Chadwick Square now that it is completed and it's been recommended that this not be done and that the building project approval be so done and that the bonding that has been in place to cover this be released. Any questions regarding that?

Like to offer a motion to authorize that change to the building project approval?

The motion was made by Mrs. Fuller and seconded by Mr. Webster... discussion.

COUNCILWOMAN GALVIN: One question before we go on. It is with the first cover memo that came with this -- there were minutes of the Planning Board meeting at which this was discussed and in going back through some of the other material, it indicates that there has been an ongoing problem with one of the adjoining landowners, Jay Jakovic and that that matter is still unresolved. But, that was also one of the reasons that the bonding and that the change in the roadway had not been changed in the past. I couldn't figure out from the material presented what the significance of that problem of the adjoining landowner was with respect to the prior decisions.

SUPERVISOR RINGLER: That has been an ongoing problem.

COUNCILMAN WEBSTER: That is a different entrance.

SUPERVISOR RINGLER: Right, it has nothing to do with an entrance to be honest with you. Bruce, would you like to comment on that? You have been working on that trying to...

MR. SECOR: When Chadwick Square was first brought in, it had a grading plan which included a bunch of earthen mounds. A lot of the earthen mounds -- a number of the earthen mounds were eliminated during the development of the project because similar to the ones facing Wemple Road, that was good and they were actually constructed and covered with greenery because they buffered the back side of those houses from the traffic on Wemple Road. However, when you got over on the Jakovic side to have put in those berms would have wiped out all of those mature trees and no one really wanted to do that. So, they decided to eliminate the berms -- some grading and drainage problems ensued because the original plan called for a berm and now there was no berm so we had to straighten that out. So, I met with the homeowners association -- this has been going on for probably 3 or 4 years trying to eliminate the things because there wasn't any design. The original design couldn't be imposed because no one wanted that. So, we had to keep coming up and remedying these little odds and ends and we got some additional trees planted, so there has been a lot of negotiations. Unfortunately, the presidency of the Chadwick Square Homeowners Association changes every year and we didn't have the continuity to really carry this forward. In the middle of all this, this boundary line problem showed up with... between the Chadwick Square property and the Jakovic farm and there was some disputed property. And, we also have a small drainage problem in that area so we kind of got involved as a side issue. The drainage problem got resolved and we have been working with the homeowners association and Mr. Jakovic for years to try and do this. There was a swap of land between Michaels and Jakovic. It is my understanding that Mr. Jakovic has settled with the Michaels and it is up now to the Michaels to finish settling with the homeowners association about this disputed parcel of land. I am not sure if there has been a closing, I wasn't able to get a hold of Mr. Bangman.

COUNCILWOMAN GALVIN: Well, in reading over the -- it's on the 3rd page of the Planning Board minutes that was given to us -- there is an indication that part of the reason for retaining the bonding was because of this conflict.

MR. SECOR: Only in so much as it affected the drainage of the subdivision. I don't know and I defer to Bernie, if there is a property line dispute between the Chadwick Square Homeowners Association or Chadwick Square park, whoever owns that park land, and Jakovic. I don't know if we are directly affected.

COUNCILWOMAN GALVIN: Bernie, I don't know whether you have seen this so that you know what we are talking about.

ATTORNEY KAPLOWITZ: Well, generally I do because I... when it all started a few years ago, I worked with Bruce on it. I don't think that the bond that exists...

SUPERVISOR RINGLER: Has anything to do with that.

ATTORNEY KAPLOWITZ: In favor of us, would be of any help to anybody that would be involved.

COUNCILWOMAN GALVIN: Well, that was why I didn't understand this particular discussion at the Planning Board.

SUPERVISOR RINGLER: I think one of the things, Sheila, as I recall is that there was a lot of ongoing discussions with the homeowners association as to whether or not they wanted this boulevard entrance as well. Okay, and I think they became involved with it and they were trying to reach -- as I recall and it is a long time ago -- an agreement with everybody on whether or not this should be removed. These other issues clouded that picture but I believe now everyone is in agreement that the boulevard entrance should not be there.

MR. SECOR: Chadwick Square wrote a letter and recommended that the road be left the way it is, they don't want a boulevard entrance. Everybody is in agreement on that so, the question came back to me is

-- are the requirements of the Town of Bethlehem satisfied in terms of drainage, highway right-of-way and all those other things and the answer to that is yes. They have done everything -- all the punch lists are done, all the things that we have to do. Whether the property line issue is an issue we should be in the middle of, I don't know.

COUNCILWOMAN GALVIN: Well, see what I still don't understand is why that... why this statement is in the minutes of the Planning Board and it appears that you had... was present and addressed it because it very specifically says...

MR. SECOR: No, I wasn't there... doesn't that quote Mr. Worth -- doesn't that say Mr. Worth.

SUPERVISOR RINGLER: Yes.

COUNCILWOMAN GALVIN: Yes, but it says you were never happy with the boulevard entrance. So, I couldn't tell whether or not you were there and commenting.

MR. SECOR: No, I wasn't there.

COUNCILWOMAN GALVIN: Bruce, if you -- it might be easier if you took a look at what I am talking about.

MR. SECOR: I read them very briefly before. I think this is just under the discussion. Engineer Worth said -- I think it is a paraphrase from Mr. Worth, who I had brought up-to-date on this and asked him to explain it to the Board.

COUNCILWOMAN GALVIN: Because it appeared that your comment was also connected with why the bonding hadn't been released in the past.

MR. SECOR: And again, it doesn't reflect it in here but it was basically our concern over getting proper drainage since the berms had been done, I felt that I couldn't recommend any action to the Town Board until proper drainage had been established.

SUPERVISOR RINGLER: Any other questions? A motion and a second...

TOWN CLERK NEWKIRK: Yes, you just need a vote.

SUPERVISOR RINGLER: All in favor?

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

Noes: None.

SUPERVISOR RINGLER: Thank you.

Accept
Resignation
Member
Board of
Assessment
Review
with regret

SUPERVISOR RINGLER: Next I would like to accept the resignation of Ruth Bickel as a Member of the Board of Assessment Review with regret, effective September 30, 1992.

The following resolution was offered by Mrs. Fuller and seconded by Mr. Gunner:

RESOLVED, that in accordance with Real Property Law, Chapter 1524, Ruth Bickel, 8 Bradford Place, Slingerlands, NY 12159 has resigned as a Member of the Board of Assessment Review, effective September 30, 1992. The resolution was adopted by the following vote:

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

Noes: None.

SUPERVISOR RINGLER: Next I would entertain... someone to offer the motion to set the public hearing on the Preliminary Budget for November 2, 1992 at 7:30 p.m.

The motion was by Ms. Galvin and seconded by Mrs. Fuller that a public hearing be scheduled for November 2, 1992 at 7:30 p.m. to discuss the Preliminary Budget at the Town Hall, 445 Delaware Avenue, Delmar, NY at which time any person may be heard in favor of or against any item or items therein contained, and Notice of Public Hearing Upon the Preliminary Budget be advertised in THE SPOTLIGHT issue of October 21, 1992 and the TIMES UNION issue of October 22, 1992. The motion was passed by the following vote:

Set Public
Hearing
Preliminary
Budget

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

Noes: None.

SUPERVISOR RINGLER: Next I have a recommendation from Mike Cirillo, Engineering Services, for acceptance of deeds from Owens Corning for Waldenmaier Road right-of-way and storm drainage easement, pending approval of the Town Attorney. Have you seen them?

Accept Deeds
Owens-Corning
Fiberglas -
Waldenmaier
Road

ATTORNEY KAPLOWITZ: Yes, I have seen them.

SUPERVISOR RINGLER: Don't need that any more, the Town Attorney is done.

The motion was made by Ms. Galvin and seconded by Mrs. Fuller to accept the deeds from Owens Corning Corporation for Waldenmaier Road right-of-way and storm drainage easement. 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 have a request from Karen Pellettier, Director of Senior Services for approval of Caroline G. Wirth, Outreach Worker, to attend conferences on Protective Services for Adults and Advanced Medicaid to be held October 29 and November 18, 1992 with expenses paid, \$25 and \$50.

Approve
Attendance
Senior
Outreach Wkr.
Conference on
Protective
Services
For Adults
and
Advanced
Medicaid.

The motion was made by Mr. Gunner and seconded by Ms. Galvin to authorize Caroline G. Wirth, Outreach Worker, to attend conferences on Protective Services for Adults and Advanced Medicaid to be held October 29 and November 18, 1992 with expenses paid. 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 to go to bid for installation of emergency power generator at the Water Purification Plant in New Salem.

Go To Bid
Emergency
Power
Generator
Water
Purification
Plant - New
Salem

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

WHEREAS, the Town desires to advertise for bids for one emergency power generator for use at the Water Purification Plant in New Salem, pursuant to law,

NOW, THEREFORE, BE IT RESOLVED, that the Town Clerk advertise for such bids in THE SPOTLIGHT on the 21st day of October, 1992 and that bids be received up to 2:00 p.m. on the 5th day of November, 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 I have a recommendation from Mr. Secor pertaining to water service as out-of-the-district customer to Selkirk Kingdom Hall of Jehovah's Witnesses on Elm Avenue in Selkirk.

As per your request I have reviewed the attached letter dated September 29th from representatives from Selkirk Kingdom Hall of Jehovah's Witnesses who presently own a building at the corner of Wildwood Lane and Elm Avenue. This is an area where we are actively pursuing a water district extension, see the attached map. A subdivision is proposed directly across the street from the church and will, at some point in the future, bring a water main along Wildwood Lane to Elm Avenue to provide direct service to the church. It may be a number of months before the paperwork moves forward on this extension since the subdivision has been temporarily put on hold by the owner.

Since we do not have a water district extension contemplated for this area and there is an existing water main not too far from the property, I recommend that the Town Board grant them service as an out-of-district customer. They would have to pay double the water rate. I would also ask that they sign an agreement with the Town that would commit them to participate in the district extension at such time as one progresses. This agreement should be enforceable on whoever they sell the property to. It is important that we provide them with temporary service out-of-district customer that they eventually be brought inside a district.

Bruce is here if anyone has any further questions.

COUNCILMAN GUNNER: Bruce, they pay for the work that is to be done?

MR. SECOR: It would have to be done at their own expense and the representatives of the church are here.

COUNCILMAN GUNNER: I just would like that as part of the motion, it does not say that in the motion.

MR. SECOR: Yes, okay.

COUNCILMAN GUNNER: Can we make that correction please. I so move we make that correction or addition.

SUPERVISOR RINGLER: Yes.

Approve
Water
Service
Selkirk
Kingdom Hall
Jehovah's
Witnesses

The motion was made by Mr. Gunner and seconded by Ms. Galvin that water service be approved for the Selkirk Kingdom Hall of Jehovah's Witnesses at the rate established for an out-of-district customer with expenses of this connection to be borne by the Selkirk Kingdom Hall of Jehovah's Witnesses. The motion was passed by the following vote:

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

Noes: None.

COUNCILMAN GUNNER: Is that on the record Town Clerk Newkirk.

TOWN CLERK NEWKIRK: Yes.

COUNCILMAN GUNNER: Okay, thank you.

SUPERVISOR RINGLER: Are the representatives of the church here?

MR. SECOR: Yes.

SUPERVISOR RINGLER: Just for your information, I received complaints from neighbors yesterday about your new church. So while you are here, I might as well tell you about it. They're concerned about slow progress of the construction and also the fact that church members are soliciting members for their new church almost every

Sunday, knocking on their door. So just be aware of that, that I have been getting calls on that, okay. Thank you.

SUPERVISOR RINGLER: Next I have a recommendation from Mr. Secor, Commissioner of Public Works, for release of easement from Carnell to Bethlehem Sewer pending approval of the Town Attorney. He reviewed two easement documents granting sanitary sewer easements to the Town. The first deed is dated June 18, 1974 and recorded in the Office of the Albany County Clerk in book 2084 of deeds on page 117. The revised deed which should have contained language releasing the original easement but did not is dated September 3, 1974 and recorded in book 2087 of deeds. I have compared the easement documents to the record drawings for the contract collecting sewers as prepared by J. Kenneth Fraser Associates, March 1976. The site visit was also made to visually verify the route of the sanitary sewer. The record drawings and the site visit confirm that the revised deed is the one to be used. I, therefore, see no reason for not releasing the original easement in Book 2084 page 117. Included are copies of both deeds, the deed release that will be filed in the office of the County Clerk should contain a reference to the revised easement on page 205 which will remain in effect.

Offer a motion to release that.

The motion was made by Ms. Galvin and seconded by Mr. Gunner that the easement in Book 2084, page 117 be released with note pertaining to easement filed in Book 2087 of deeds filed in the Albany County Clerk's Office. The motion was passed by the following vote:

Release
Easement
From Carnell
To Bethlehem
Sewer

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

SUPERVISOR RINGLER: Next I have a recommendation from Bruce Secor for acceptance of deeds for Devonshire Hills Development, pending approval of Town Attorney.

Accept Deeds
Devonshire
Hills Develop.

The motion was made by Mr. Gunner and seconded by Ms. Galvin that the four (4) deed documents from Sonmar Development Corporation for the Devonshire Hills Development granting one highway right-of-way and 13 utility easements be and they hereby are accepted. 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 have a recommendation from Mr. Cirillo, Engineering Service Administrator for acceptance of deeds for Elm Avenue highway right-of-way and storm drainage easement, pending approval of Town Attorney.

Accept Deeds
Elm Ave
Highway
right-of-way

The motion was made by Ms. Galvin and seconded by Mr. Webster that two (2) deed documents from Wayne LaChappelle and Michael J. Biscone granting one highway right-of-way and one storm drainage easement be and they hereby are accepted. 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 have a recommendation from Mr. Secor for acceptance of sanitary sewer easements for Jolly Road, Glenmont. Again, pending approval of the Town Attorney.

Accept Sewer
Easements -
Jolly Road

The motion was made by Ms. Galvin and seconded by Mr. Gunner that the easement presented by Jolly Road Development Corporation granting one sanitary sewer easement on Jolley Road 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.

Accept
Drainage
Easements
Weigand Lane
and
Delaware Ave.

SUPERVISOR RINGLER: Next I have a recommendation from Bruce Secor for acceptance of drainage easements for properties between Weigand Lane and Delaware Avenue, pending approval of the Town Attorney.

The motion was made by Ms. Galvin and seconded by Mr. Gunner that the easements presented by Mr. and Mrs. Kenneth R. Havill; Ms. Rita Lustenhouwer; and Mr. Robert W. Havill and Ms. Helen Sabbagh granting easements for drainage purposes between Weigand Lane and Delaware Avenue be and they hereby are accepted. The motion was passed by the following vote:

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

Approve
Seasonal
Personnel
Parks &
Recreation
Dept.

SUPERVISOR RINGLER: Next I have a request from David Austin, Administrator of Parks & Recreation for approval of appointment of seasonal personnel as per the attached list and rates.

COUNCILWOMAN GALVIN: I notice that 2 of the people are not residents of the Town of Bethlehem, is there any particular reason or are these specialized positions?

SUPERVISOR RINGLER: I know Sandy Banas is a teacher at the Middle School...

COUNCILWOMAN GALVIN: Okay.

SUPERVISOR RINGLER: and that is... many times they will be used and I am sure that is why she is.

COUNCILWOMAN FULLER: They just moved out of the Town.

SUPERVISOR RINGLER: And, I don't know -- and David is here, is he not?

COUNCILMAN WEBSTER: No.

SUPERVISOR RINGLER: I don't know who Lisa Lahey is. But, generally speaking, David will always offer to Town residents first and unless teachers... they have special...

COUNCILWOMAN GALVIN: I was just curious that 2 popped up on a short list of 5 of them.

COUNCILWOMAN FULLER: The last one just got married, Sheila, probably about a year ago. So, she has probably moved into Albany -- in an apartment until they can afford a home back out here again.

SUPERVISOR RINGLER: Other questions?

The motion was made by Mrs. Fuller and seconded by Mr. Webster that the appointment of seasonal personnel as listed on the Memorandum from David Austin, Administrator of Parks & Recreation Department dated October 14, 1992 be and they hereby are approved for appointment to serve at the pleasure of the Town Board. The motion was passed by the following vote:

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

 SUPERVISOR RINGLER: Next a request from Mr. Secor for approval of attendance of ten (10) Department of Public Works employees at the Annual Fall Meeting of the Adirondack Waterworks Conference in South Glens Falls at a cost of \$26 per person.

Approve
 Attendance
 Annual Fall
 Meeting -
 Adirondacks
 Waterworks
 Conference

The motion was made by Mr. Webster and seconded by Ms. Galvin that ten (10) Department of Public Works employees be and they hereby are authorized to attend the Annual Fall Meeting of the Adirondack Waterworks Conference, October 22, 1992 in South Glens Falls at a cost of \$26. per person. 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 form Mr. Hahn, Receiver of Taxes and Assessments, for authorization to transfer funds from Other Contract Services to Personal Services Account of \$2,000.

Transfer of
 Funds
 Receiver of
 Taxes and
 Assessments

The motion was made by Mr. Gunner and seconded by Mr. Webster to approved the transfer of \$2,000. from Account No. A-1330.449, Other Contract Services, to Account No. A-1330-12, Personal Services Account to help offset additional labor needed in connection with the reassessment process. The motion was passed by the following vote:

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

 SUPERVISOR RINGLER: Request from Mr. Hahn to authorize overpayment of water rents for the month of September totaling \$15.62.

Refund
 Overpayments
 Water Rents
 Sept. 1992

The motion was made by Mrs. Fuller and seconded by Ms. Galvin that authorization be given for the reimbursement of overpayment of water rents for the month of September. 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 have a recommendation from Kathleen Newkirk for appointment of...

TOWN CLERK NEWKIRK: Xiaoli she says her first name and I don't know how she says the second one.

COUNCILMAN WEBSTER: If you can't say it, we won't approve it.

Approve
 Part-time
 Inventory
 Worker -
 Records
 Management

TOWN CLERK NEWKIRK: It is Chinese, I will tell you that.

SUPERVISOR RINGLER: To the position of part time Inventory Worker in conjunction with with the Records Management Grant.

The motion was made by Ms. Galvin and seconded by Mr. Gunner that Xiaoli Zhao, Albany, New York be and she hereby is appointed to the position of part time Inventory Worker for the records management grant. The motion was passed by the following vote:

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

COUNCILMAN GUNNER: We will be around for introductions.

TOWN CLERK NEWKIRK: I will learn how by that time.

Accept
Deeds
Indian Hills
and reduction
in bonding

SUPERVISOR RINGLER: Next a recommendation from Mr. Cirillo, Engineering Services Administrator for acceptance of deeds for the Indian Hills Section 3 right-of-way deeds and approval of reduction in bonding, pending approval of the Town Attorney. He recommends the bonding be reduced to the amount of \$50,000.

The motion was made by Mr. Gunner...

COUNCILMAN WEBSTER: Did the Town Attorney approve them?

SUPERVISOR RINGLER: Pending approval of the Town Attorney.

COUNCILMAN WEBSTER: Oh, okay, second.

The motion was made by Mr. Gunner and seconded by Mr. Webster that the three (3) right-of-way deeds in the Indian Hills Section 3 Subdivision granted to the Town by Robert Marini Builders, Inc., Albany, NY be accepted pending approval of the Town Attorney. The motion was passed by the following vote:

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

Approve
Attendance
Recycling
Conference

SUPERVISOR RINGLER: Next I have a request from Mr. Sagendorph for approval of attendance of Sharon Fisher, our Recycling Coordinator, at conference to be held October 26 and 27, 1992 at Saratoga Springs, cost of \$50.

The motion was made by Mr. Webster and seconded by Mr. Gunner that Sharon Fisher, Recycling Coordinator, be and she hereby is approved to attend the conference to be held October 26 and 27, 1992 at Saratoga Springs, NY. The motion was passed by the following vote:

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

COUNCILMAN GUNNER: I would like to come back to recycling again, unless you want to handle it now.

SUPERVISOR RINGLER: No, go ahead.

COUNCILMAN GUNNER: We didn't get the notice in the Kenholm area until October 7, 8 in the mail. I spoke to the people that are collecting it -- at least at my house -- and they said they weren't aware of anything and that they will go back and speak to the owner. Just for your information.

SUPERVISOR RINGLER: That is the collectors.

COUNCILMAN GUNNER: The collectors, right.

MR. SAGENDORPH: The collectors in the Town were aware in July that this was pending. We didn't have exact dates, we didn't know how fast Albany was going to act at the ANSWERS plant. But, they were aware. We had a meeting -- the Supervisor, Bruce, myself and Sharon had a meeting with the haulers, they were all invited by letter so they were all notified in July of this. They knew Albany was going to come out with a list of unacceptable items. That was handed out to all the haulers in July. It was just orchestrating everything together. We were a week behind in getting our mailing out between the printer and us not being available. With the differences between ANSWERS -- what they won't accept in the recycleries, what they wouldn't accept -- we had addressed the Board with that problem but it is coming along now. But, the recycling hotline is hot to say the least.

COUNCILMAN GUNNER: I can understand how the drivers and that may not be knowledgeable about it but they took the stuff anyway.

MR. SAGENDORPH: Yes and even though a couple of the haulers haven't been handing out their instructions yet, over their phone calls because we have had people call them. They are getting instructions over the phone and they are accepting the materials.

COUNCILMAN WEBSTER: Well the haulers, we have received something from our hauler.

SUPERVISOR RINGLER: Some haulers have.

MR. SAGENDORPH: Some have, some haven't.

COUNCILMAN GUNNER: Some have.

COUNCILWOMAN GALVIN: Not all of them.

COUNCILMAN WEBSTER: Some have, some have not.

COUNCILMAN GUNNER: That is why I asked.

SUPERVISOR RINGLER: Are we following up with those that haven't?

MR. SAGENDORPH: Yes, we are.

SUPERVISOR RINGLER: Okay, thank you. I think one of the problems is -- some of these haulers are giving incorrect information to their customers. They are saying the Town never told them this was happening and that is what Gregg and I take kind of offense to because they were notified.

COUNCILMAN GUNNER: This is just a matter of drivers won't aware of it. I didn't contact the owner.

SUPERVISOR RINGLER: Well, I have had the owners.

COUNCILMAN GUNNER: Okay.

SUPERVISOR RINGLER: Next I would entertain a motion to approve the Town Board minutes of August 12, August 26 and September 9.

Approve
Minutes
Aug. 12.
Aug. 26 and
Sept. 9, 1992

COUNCILMAN GUNNER: I think they should... if you don't mind, I would like them separated and not all in one motion.

SUPERVISOR RINGLER: Okay. August 12th.

The motion was made by Mrs. Fuller and seconded by Mr. Webster to approve the Town Board minutes of August 12, 1992.

Further discussion?

COUNCILMAN GUNNER: I have a question. Page 18, a little change, where it says Councilman Gunner indicated yes to a statement made by Supervisor Ringler. I was... that I indicated to Supervisor Ringler, I don't even think it is necessary there. I don't want indications as to... it is only what I say that counts. I don't know what I indicated. What did I indicate? I mean, I don't know whether you would know at this point. So, all I want to do is strike that last sentence.

TOWN CLERK NEWKIRK: Page 18, last sentence...

COUNCILMAN GUNNER: Councilman Gunner indicated yes. I don't know how I indicated it.

SUPERVISOR RINGLER: I certainly don't know.

COUNCILMAN GUNNER: No, there is nothing critical there except that I said gee, how did I indicate.

COUNCILWOMAN GALVIN: And, I wish to abstain, on the 12th I wasn't present.

SUPERVISOR RINGLER: Any other comments on those particular minutes? With that change, all in favor...

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

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The motion was made by Mr. Webster and seconded by Mrs. Fuller to approve the Town Board minutes of August 26, 1992. The motion was passed by the following vote:

COUNCILMAN GUNNER: Abstain, I was absent.

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

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SUPERVISOR RINGLER: September 9th.

The motion was made by Mr. Webster and seconded by Ms. Galvin to approve the Town Board minutes of September 9, 1992. The motion was passed by the following vote:

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

Request
From
Supervisor
To consider
Delaying
Redistricting

SUPERVISOR RINGLER: Next we have a request from Supervisor Ringler to consider delaying redistricting of Election Districts. At the regular meeting of July 8th the motion was presented and passed requesting that we start looking again at redistricting. The target date of mid-November was established to allow sufficient time, if we wish to consider the redistricting by January 15th. I requested our staff to investigate this, however, due to the summer work load in the Engineering Department... over the summer it has been impossible for them to address this issue at this point in time. One might think that this is relatively easy process of drawing some lines on a map and trying to address numbers, as you can see in the memo from the Town Clerk, this is a much more extensive process than you might think. The last time we did this when we were required to do so, took 215 person hours I guess would be a better word -- man hours is there -- as you might guess again, this does interfere with normal operation and costs the Town a great deal of money. Although I do believe if we spent the time, this could be done by our staff prior to November and definitely prior to January, I would like to recommend that the Board reconsider its original decision and that the target date of November 1993 be set. This would allow our staff to work in a less busy time of the year. In addition, if changes are made -- and what I mean by this is if they are made now -- individuals will have to change their voting places two years in a row. I think this could be confusing and cause problems for many individuals.

I would also like to suggest that if we do agree to this and continue to look at redistricting, perhaps a committee should be established with one of our Town Board member's to work with our staff to assist them in this process. I am going to throw Sheila in here. I know that Ms. Galvin was very interested in this and if it was agreeable to her, I would like to suggest that she be asked to work with the Engineering Department and the Town Clerk in order to complete the process but again not do it until next year. Thank you for your consideration in this matter and look forward to discussing with you at our regular meeting October 14th.

Questions or comments?

COUNCILWOMAN GALVIN: I have a problem with delaying to 1993. I think we have some basic problems with the districts which rather than drag my dog and pony show along with me again tonight and boring everybody to tears with rabbits and animals that our districts are shaped like, I think it is very important that we get redistricting done and behind us. Putting it off doesn't accomplish anything -- I agree it takes a lot of time. I spent approximately 3 and a half full work days doing exactly what is worked out here with the exception of the fact I didn't do a legal description since I am not a surveyor. However, if we stick to streets and boundary lines -- for the most part, as we are required to do by the Election Law, the mapping will be much simpler. With respect to the amount of time, I know it is terribly time consuming for staff to have to do this but we do have a staff and when we had Mike Cirillo present at our meeting back in July, he indicated that it would be very feasible to get this done on a timely basis to have it completed before January of '93. I would oppose a change, pushing it off til November of '93. I think we should have it done prior to January of '93 as our initial motion.

SUPERVISOR RINGLER: Other thoughts?

ATTORNEY KAPLOWITZ: When we first talked about it, there was some discussion about possibility that we were, perhaps, violating the law because the districts were not uniform. The time for anybody to appeal from those or contest it is long gone. So, I don't know what difference it makes.

COUNCILWOMAN GALVIN: Well, Bernie, we made representations that we were going to be moving on it and going to be moving on it this year. I think that we certainly...

ATTORNEY KAPLOWITZ: What difference does it make if its December of '92 or May of '93 -- I may be missing something.

COUNCILWOMAN GALVIN: Well, I think we have...

ATTORNEY KAPLOWITZ: It wouldn't affect anyone until next November, right?

SUPERVISOR RINGLER: No, if you delay it, it is not effective until the following year. It would not be effective in next year's election.

COUNCILWOMAN GALVIN: Yes, the following year.

ATTORNEY KAPLOWITZ: If it is done after the 1st.

SUPERVISOR RINGLER: If it is done after the 15th of January.

ATTORNEY KAPLOWITZ: I don't have any strong feelings either way but I don't think it makes much difference either.

SUPERVISOR RINGLER: Anybody else feelings?

COUNCILMAN WEBSTER: What are we going to accomplish by doing it at all? How far off are we, how uneven are the districts, Bernie?

COUNCILWOMAN GALVIN: We are way off.

ATTORNEY KAPLOWITZ: Well, we have districts that are different sizes but as we discussed before, it doesn't make any difference because we don't have anyone who runs district-wide. Everybody runs at large. So, as far as elections and all of that, I don't know what difference it makes.

SUPERVISOR RINGLER: It just means the party committeemen may have to work a little harder in one district than another.

ATTORNEY KAPLOWITZ: That is not your concern.

COUNCILMAN WEBSTER: Are we that far off, Sheila, in numbers and committees?

COUNCILWOMAN GALVIN: We are way off. I would be more than happy at the next meeting to bring back in the material.

ATTORNEY KAPLOWITZ: There are some substantial differences.

SUPERVISOR RINGLER: I have the most recent tabulated list, based upon current registration, I believe. Is this right, Kathy? The range is from the smallest district 358 to the largest 931 and the others range 600, 700, 800, 500, 450, 500, 760 and so forth.

ATTORNEY KAPLOWITZ: The one that is 931 probably will get split in the not too distant future because you are required to start thinking about it at 900, you must do it at 1,000. We could split it now, that is up to you also.

COUNCILWOMAN GALVIN: Part of the problem, Fred, is just the numbers. The numbers are a significant factor but we also have some very odd shaped districts which don't conform to the Election Law requirements and we have several that don't follow the boundary lines of streets -- for example, which they could very easily.

COUNCILMAN WEBSTER: I am thinking of the cost here. We have so much money invested already, you know, in readjustment. I have had a lot of flack from people who are no longer in their old districts -- particularly in the break-out of the 13th and the 8th. People have voted there for years and years and now they don't even have the same County Legislator and they're confused. They are upset and they are confused.

COUNCILWOMAN GALVIN: Well, I agree we can't do anything about the County Legislature...

COUNCILMAN WEBSTER: Right and you talk about animals, if you look at those Legislative districts in the Spotlight today, the conformation is pretty weird. I just wonder if we aren't just putting more stress on the people that we're forcing them to go to another place to vote, now a 4th place, you know.

COUNCILWOMAN GALVIN: We may not be forcing them to go to another place, we don't know. If we do the Election Districts in accordance with the Election Law, in compact, uniform, sizes and try to follow the contours of streets and streams and things of that nature that the Election Law says, we should develop, basically even districts and hopefully, be able to have people voting in either the same place they are voting in now or a reasonable location that shouldn't have to be changed until we go through this dam contortion of Legislative redistricting in another 10 years or so.

COUNCILMAN WEBSTER: Well, they just had some large changes this year.

COUNCILWOMAN GALVIN: That is right, but that is where the problems came up. If you take a look... and as I said, I will be more than happy to bring everything back in for the next meeting.

COUNCILMAN WEBSTER: No, no, no, don't do that.

COUNCILWOMAN FULLER: Sheila, you have been assigned a committee.

COUNCILMAN WEBSTER: No, I just look at it from a standpoint, not just the inconvenience for the people and the cost that we have already gone through and the cost we are going to put you through.

SUPERVISOR RINGLER: When the Board gets done.

COUNCILMAN WEBSTER: Because I understand you are going to be this committee.

SUPERVISOR RINGLER: Well, she hasn't accepted it yet.

COUNCILWOMAN GALVIN: I haven't accepted it yet, Fred. I think we have a perfectly competent staff and I am more than happy to provide them with the material I have already done.

COUNCILMAN WEBSTER: I look at another 200 or 300 hours of our Sr. Engineer's time, that's pretty costly for what we are going to accomplish here and the 900 district is going to be split eventually anyway.

COUNCILWOMAN GALVIN: Fred, if we had done it right the first time, we wouldn't be sitting here debating about it now.

COUNCILMAN GUNNER: I guess I am a little surprised that we are even discussing this now, I thought we all came to agreement when we decided that it would be done when we were going to do it. Now, we are back again, we want to change that.

SUPERVISOR RINGLER: Yes. I was asked by the staff if I would consider approaching the Board to do that.

COUNCILMAN GUNNER: But the staff was there and agreed to it. What changed it?

SUPERVISOR RINGLER: As I read in my letter, they had a very busy summer and they haven't been able to get to do it.

COUNCILWOMAN GALVIN: We have all had very busy work schedules, some how or other you have to make time to do the things that you are assigned to do. And, unfortunately, I think it would be a very bad mistake to delay this beyond the January '93 date. We have already made a public commitment to getting these districts straightened out. I think -- I was opposed to adopting a piece-meal, half-baked performance when we adopted the districts that we took. I think we should... we didn't do it right the first time to get something done to get it down on paper. I think we have an obligation to get it done right and to get it done right as quickly as possible.

COUNCILMAN GUNNER: What date are you proposing? I didn't hear one.

SUPERVISOR RINGLER: For next November, a year from now.

COUNCILMAN GUNNER: For next November and then if it... but for some reason or another if it gets delayed, where are we in November? Back to January 1st and then we go back to the next November?

SUPERVISOR RINGLER: The Board can make a decision any time that they want.

COUNCILMAN GUNNER: Oh, I realize that. Yes, I realize that.

SUPERVISOR RINGLER: Right.

COUNCILMAN GUNNER: I just question, whether that was a possibility.

SUPERVISOR RINGLER: See, I agree with Fred. I am not... I agreed to it the last time. The more I think about it, is the significance of these lines are totally insignificant.

COUNCILMAN GUNNER: I may even agree with that. The question is if we have a legality, we are trying to do it and it seems to me, that at times, we're sometimes sort of winking at a couple of legalities and that could get us into difficulty if we keep on doing things like that in any other areas. All right. So, I guess any time I think that we should be correcting it, I would rather see it corrected, if we are wrong.

SUPERVISOR RINGLER: Again, that is Sheila's interpretation that we are wrong. I am not so sure that I concur with the fact that these are wrong. I mean...

COUNCILMAN GUNNER: Well, let's wait to... I would suggest that we table this to the next meeting and let's find out what the law is and our attorney will tell us what the law says.

SUPERVISOR RINGLER: Well, if we table it to the next meeting, then I have to get them working on it to meet the original criteria.

COUNCILWOMAN FULLER: Bruce, tell me the availability of Mike Cirillo.

MR. SECOR: The problem is we have a number of other things pending and you know, are we going to do a landfill permit renewal or are we going to do this. I mean you have to sit down and start trading off priorities.

COUNCILWOMAN GALVIN: Bruce, when is there ever a time when he is not busy?

MR. SECOR: Well, you know, the summer -- he is the person who has to keep up with the people in the Highway Department and try to keep the jobs out for our Highway Department. We are running all the time to try to get that done. Mike does all the easement acquisition, I help with discussing things with the neighbors but he does all the mapping and easement...

COUNCILWOMAN GALVIN: Didn't we just hire a new person for your department?

MR. SECOR: Right. That was a replacement for Mr. Riedel and that person does all of the review for subdivision work. We have taken him off of that and had him help us with some of the other items and developers scream but I can put up with that because the things come in and we can get to those but it is... this is an extremely time consuming thing and I think Mike's concern is that it is very subjective. You have to stay within the County lines. You can't have a voting district crossing the County Legislative lines that they have set up so you have to do something within those. And, then to try and come up and follow the best you can the area then try and balance the numbers. Mike made an attempt of that on his own and he was rushed to get... we were rushed to press the last time to get it done.

ATTORNEY KAPLOWITZ: He had very little time to do that.

MR. SECOR: Well, the County was so late in getting the stuff to us. So, we can accept a criticism because it was dumped on us at the last minute and we had to get something out and it had to be done so we got it done.

COUNCILWOMAN GALVIN: Bruce, since that topic has come up. I hadn't really wanted to get into it but what date were our maps actually filed for the new districts.

MR. SECOR: I don't know.

TOWN CLERK NEWKIRK: Right after the June 30th, the next day because they had to have them downtown.

COUNCILWOMAN GALVIN: Everything was filed the next day? Because it was my understanding that...

TOWN CLERK NEWKIRK: I can't verify that here.

COUNCILWOMAN GALVIN: When I contacted the Board of Elections that it was in August.

TOWN CLERK NEWKIRK: Well, when everything was complete.

COUNCILWOMAN GALVIN: That is what I mean.

TOWN CLERK NEWKIRK: I had to go through every enrollment, every name and put every person in the correct district. So, you were looking at the descriptions and the maps. What the Board of Elections needed for the Legislative candidates was to have every person in the correct district, plus those districts specified so that the people could go out and campaign that are doing the Legislative part of it. This wasn't just a 2 step process as was indicated in there. And, right now, you are looking at the Board of Elections having to go back through after doing all of the County with all of the districts. We are not talking just Town of Bethlehem. And, all of that would have to be redone again. I don't even have current

enrollment books that show the new districts -- the people located in the new districts.

COUNCILWOMAN GALVIN: Well, that was one of the reasons why our original motion had put it until after November.

TOWN CLERK NEWKIRK: Because, there are still problems right now being solved.

COUNCILMAN GUNNER: What was that?

TOWN CLERK NEWKIRK: There are problems yet being solved. There are some districts where there have been corrections made up til last week.

COUNCILMAN GUNNER: By the County?

TOWN CLERK NEWKIRK: No, through here.

COUNCILMAN GUNNER: Through here.

TOWN CLERK NEWKIRK: Yes, in trying to get everything expedited as quickly as we did, the street index had to be addressed. I found 3 mistakes last week, one was just brought to me and that has to be redone now before Election Day. Plus, you are talking about doing everything all over again and this is a busy time of the year.

COUNCILWOMAN FULLER: By doing everything all over again and doing it quickly are we going to have more mistakes again?

TOWN CLERK NEWKIRK: Chances are.

COUNCILWOMAN FULLER: Still.

COUNCILWOMAN GALVIN: The thing is, it shouldn't have to be done quickly now.

TOWN CLERK NEWKIRK: Well, if you look at Bruce's time, we have budget, we have organizational and everything else coming up plus elections. My office is not sitting still either.

COUNCILWOMAN GALVIN: The thing is, I think that there is no time... no particular time that is going to be found to be a good time to do this particular project. This is a project that everybody seems to feel can be stuck to a back burner and put off until '93 and then put off until '94 and then put off until hell freezes over. The problem is, we took a stand that the districts were going to be redone. I think that the districts have basic inequities in them, not only in the numbers but I also think in the way that the district lines are drawn. And, I believe we have an obligation under the Election Law to deal with this. Our staff is never going to be sitting on their hands. I think we certainly recognize that the staff in this Town works very hard and works very diligently on all the projects that they get. The problem is, I had a major difficulty in accepting the maps as they were drawn because they -- in my opinion, they clearly violate the Election Law. I think we have an obligation to the residents of the Town to do the job right and to correct the error as quickly as possible to get the districts equitable. To get the districts properly aligned and so that we are not going through this piecemeal. So that we are not spinning off pieces of districts once a year. There is the one that is approaching the number where we are going to have to do it and we should be looking at because it is over 900. Why don't we do the job right once and get it done.

COUNCILWOMAN FULLER: From now until January, will that be doing the job right? That is the question I have because they had just as much time to present it to us in July and then we are hearing there are mistakes as a result of that.

COUNCILWOMAN GALVIN: Sheila, let me explain what I did. I think it was approximately 4 days that was the time period that I actually had the material that we were working on. I did the books, I had to work from 1989 books because that was the most recent enrollment books I had to come up with the districts that I drew. I obviously couldn't

do the surveying and I didn't pull out each and every name in the district. But, if you work 16 to 18 hours a day, physically go out, look at the places and redraw them, that is a layman doing the job who never did it before. And, that took of my work time, 3 1/2 days of about 16 to 18 hour days with help of one other person and another person part time on it. I can't believe that our staff who has done this on many occasions before, can't do it a hell of a lot faster than I did and more efficiently when they have the right books.

SUPERVISOR RINGLER: But, again, the work begins after that really.

TOWN CLERK NEWKIRK: But I am not sure that the staff... this was my first time through this and believe me I had no idea what it was. And, I don't know, Mike has been involved once before but none of us have done this with any regularity or anything. It can only be done after the population with the census and the Legislative districts are changed.

COUNCILMAN WEBSTER: How many complaints did we have or have you had in here that we as Board Members didn't get individually that... I mean, were they numerous, the people complaining about the changes.

TOWN CLERK NEWKIRK: I can't answer all of that because the Board of Elections was calling me telling me that people were calling them upset with the changes.

SUPERVISOR RINGLER: With moving their election, place of election.

COUNCILMAN GUNNER: We have no choice.

TOWN CLERK NEWKIRK: I can't even begin to answer that.

COUNCILMAN GUNNER: We have no choice over that.

COUNCILMAN WEBSTER: No.

COUNCILMAN GUNNER: So, I don't know what we are dealing with that for.

COUNCILMAN WEBSTER: Because we are going to do it again.

COUNCILMAN GUNNER: Yes, and why do we have to do it again?

TOWN CLERK NEWKIRK: And, you are going to do it right away.

COUNCILMAN GUNNER: Why are we doing it again?

COUNCILMAN WEBSTER: We had to do it before because of the County change in the Legislative Districts.

COUNCILMAN GUNNER: But, why are we doing it again? What makes us do it?

COUNCILMAN WEBSTER: Nothing.

COUNCILMAN GUNNER: Nothing, there is no such law.

COUNCILMAN WEBSTER: I didn't say that.

SUPERVISOR RINGLER: The law that...

TOWN CLERK NEWKIRK: The law allows you to do it.

COUNCILMAN GUNNER: That is what I had asked before. I asked if there was a separate time... you are walking away?

ATTORNEY KAPLOWITZ: There is a law that says you should do the following things. If someone objects to it, they have a period of time to object to it, after that it is done. You can't find... you would be hard pressed to find -- I am not saying you shouldn't do it, Charlie, because I have no feelings either way -- but if you can't find anything that will show like a nice grid like we were talking about when Sheila put on her slide presentation, that is very unusual. Look at the County, look at the State, look at everything

else and you would be very hard pressed to find anything like that anywhere. I am not saying it is wrong, you shouldn't do it but whether something is practical, whether it follows the roadway and street lines and all that there is a lot of room for interpretation.

COUNCILWOMAN GALVIN: But, Bernie, you very seldom see districts with rabbit ears except in gerrymandered districts.

ATTORNEY KAPLOWITZ: Well, you see pig feet...

SUPERVISOR RINGLER But, again, then you are talking about representation. Here, it is not a case... the purpose of this is to provide a place for people to vote.

COUNCILWOMAN GALVIN: Ken, it certainly is a question of representation. At least in the Republican party, your committeemen are the people who choose the candidates to run. They are the people who vote on the candidates, who select the slate to run. So, there certainly is a real basic issue of representation.

SUPERVISOR RINGLER: But, when they vote, they voted on a weighted vote in any event.

COUNCILWOMAN GALVIN: Not all the time.

SUPERVISOR RINGLER: Well, but when they are voting for candidates they do.

COUNCILWOMAN GALVIN: Not all the time.

SUPERVISOR RINGLER: Any time I have been involved in it, they have. Question from the floor.

MR. MORGAN: There is a much easier way of dealing with this, it would save staff time and everything else. In the litigation surrounding the redistricting brought by the minority Republican Assemblyman, I believe they used a computer software program. It may be available through John Faso. It is a program that takes the computerized voter registration list, the one with the new geographic data which is available from the State Board of Equalization and Assessment, GIS -- puts it in and comes out with... it is programmed to come up with districts within certain parameters. That is what is used in all the surrounding litigation and would save staff all this time and as I suggest, I believe the group of Assemblymen through John Faso who challenged the State districting plan had access to this program because it is written up in legal periodicals as being available. It is not a costly, expensive program if you have access to it through him.

SUPERVISOR RINGLER: Thank you. Comments?

COUNCILMAN GUNNER: I want to get back to the point that... I haven't gotten... I am trying to be flexible, I asked for a date... another possible date so that I know what it is and I get November 1993. That is unacceptable to me.

SUPERVISOR RINGLER: What would be acceptable?

COUNCILMAN GUNNER: Let me hear what you are suggesting for a date. Evidently you haven't thought of anything yet.

COUNCILWOMAN FULLER: Charlie, November 1993, is the date suggested that this process be started.

SUPERVISOR RINGLER: No, completed.

COUNCILMAN WEBSTER: Completed

SUPERVISOR RINGLER: Completed with a recommendation because by law...

COUNCILWOMAN FULLER: When are you starting in January?

SUPERVISOR RINGLER: Sheila correct me, if I am wrong, by law each year it has to be done by January 15th.

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COUNCILWOMAN GALVIN: Right.

TOWN CLERK NEWKIRK: So, if we start next year and have it prepared for the Board by November, it will be effective...

SUPERVISOR RINGLER: So the Board can look at it.

TOWN CLERK NEWKIRK: It will be effective 1994, is what we are saying.

SUPERVISOR RINGLER: And, then the residents if they do have to change...

TOWN CLERK NEWKIRK: January 15, 1994.

SUPERVISOR RINGLER: The residents if they do have to change, it will be two year gap between the time that they have changed.

COUNCILWOMAN GALVIN: We made representations to the public when we adopted this that we would correct the inequities and we do it this year so that it would be corrected for the 1993 year. If there were people who were concerned about the redistricting when we adopted that motion, they no longer had need to raise the issue. We had represented to them that we were going to do this as quickly as possible. A lot of this preliminary work could have been started before now. There was no requirement that staff delay. They could have started this July 1st.

SUPERVISOR RINGLER: They could have.

COUNCILWOMAN GALVIN: They didn't.

SUPERVISOR RINGLER: Right.

COUNCILWOMAN GALVIN: What is going to happen next November? Are we going to be sitting here, hearing why they didn't do it?

SUPERVISOR RINGLER: I don't know. I don't know...

COUNCILWOMAN GALVIN: Next year, something else was considered more important and got pushed in front of it. I oppose this proposal.

SUPERVISOR RINGLER: Okay, anyone else... feelings? Anyone like to make a motion, if not, we will let it stay as it is and tell them to get to work and get it resolved by November.

COUNCILMAN WEBSTER: It is almost impossible to do it by November.

SUPERVISOR RINGLER: Well, they did it in the past.

COUNCILWOMAN GALVIN: Fred, it doesn't have to be completed by November, we needed a report by November and we had to have it completed by January.

SUPERVISOR RINGLER: Which we still do.

COUNCILWOMAN GALVIN: Right.

COUNCILMAN WEBSTER: Oh, completed by January.

SUPERVISOR RINGLER: Yes.

COUNCILWOMAN GALVIN: Completed by January.

COUNCILMAN WEBSTER: Okay, I thought you were...okay, I thought you were backing off to January.

COUNCILWOMAN FULLER: If it is completed, and we... are you willing to serve on the committee?

COUNCILWOMAN GALVIN: Yes, if we do it in that time frame.

COUNCILWOMAN FULLER: From now until January?

COUNCILWOMAN GALVIN: Right. I can crack a real good whip, ask my staff.

COUNCILWOMAN FULLER: What happens in January if it comes back and the rest of us don't like the way it is now designed?

SUPERVISOR RINGLER: We don't have to buy it.

COUNCILWOMAN GALVIN: We should have something recommended well before that date.

SUPERVISOR RINGLER: Again, I just have to... you know, I just think that this is just a waste of time because no one is being hurt by these election districts because we happen to have some districts that look like rabbit ears. All it comes down to, is they have a place... that they have a convenient place to vote, I believe we have provided that and for us to be wasting and spending a lot of staff time on this when there is so many other things out there and basing it on an assumption that you think it is illegal but I have never heard a definition what compact is. I believe compact is intended in my view and I am not an attorney, to provide a place that is convenient for people to vote. Which we have done no matter how these lines are drawn. It just seems like a great deal of work for no real purpose.

COUNCILWOMAN GALVIN: Excuse me, Ken, I did give an opinion, that in my opinion the districts are illegal. I am not the Town Attorney but there is an opinion out there and I stated my fact and I am an attorney.

COUNCILMAN WEBSTER: Did you... do you feel the County districts are illegal the way they are gerrymandered?

COUNCILWOMAN GALVIN: I have not looked at the County districts. I don't think that the County districts are well drawn. Let me put it that way. I am not here debating the County districts. I am here debating the Town. We're stuck with what the County did...

COUNCILMAN WEBSTER: Right.

COUNCILWOMAN GALVIN: And, we have to work within that framework.

COUNCILMAN WEBSTER: My feeling was, the way the County districts -- just today in the Spotlight, it showed pictures of the various County districts and we have them on the map that Mike drew and it seems it is going to be very difficult to make a... anything of a symmetrical district out of the way some of those run down railroad tracks and dump off into... almost into the City and...

COUNCILWOMAN GALVIN: Fred, symmetrical isn't the key to it. It is compact, it is approximate in number and those are the primary issues that we are looking at. Just because the County did a rotten job on it, doesn't mean we have to follow suit.

COUNCILMAN WEBSTER: No, I am saying some of them run in long narrow corridors for long distances.

COUNCILWOMAN GALVIN: That part we have to live with. We have to stay within those County Legislative Districts.

COUNCILMAN WEBSTER: So, we are going to wind up with some animals anyway.

COUNCILWOMAN GALVIN: Not necessarily. Not...

COUNCILMAN WEBSTER: Or rabbit ears I should say.

COUNCILWOMAN GALVIN: Excuse me, Fred, but I will be more than happy to bring my proposed districts back in... I save everything, that is why I have a barn... and I will be more than happy to drag all those back in and show you that it can be done in compact districts.

TOWN CLERK NEWKIRK: I have a copy in my office if someone wants to see them. I keep them in there. They have to be there from the meeting, the record is there.

COUNCILMAN WEBSTER: I just question that we are going to get anything out of the money we are going to spend on this, that is all.

COUNCILMAN GUNNER: Let me ask my question again. I remember when we first talked about it, I would have to agree that I thought... well, I don't know what we are going to gain out of it, except there must be some reason for the law existing as it does. I try to live within the law. My whole life, in every way I can and if I know I am violating it, I don't feel very good, okay. I don't like getting mixed up with justice. And, so, all I am trying to do is trying to find some way that we can get it done as we think it should be done. We may not... you may be right, Fred, that it costs us \$300. to do it. I can probably... Ken easier than I could find probably \$1,000. worth of stuff we pay out to the State because, you know, it is not doing us any good. But, I guess if there is a legal obligation and we should find out before the next meeting from our Attorney, then I think that we should go ahead. If there isn't...

COUNCILMAN WEBSTER: If there is a legal obligation, I agree with you 150%.

COUNCILMAN GUNNER: So, you are saying there isn't one.

COUNCILMAN WEBSTER: I don't... I am going on based on what the Town Attorney says. He says there's a legal obligation to do this, at this point in time then I am with you.

COUNCILWOMAN FULLER: He doesn't think that it is.

COUNCILMAN WEBSTER: If the Town Attorney says it is not, then I don't see a legal obligation.

ATTORNEY KAPLOWITZ: Whether or not you were violating the law, it had to be determined before tonight. It had to be determined when you set the districts. Anyone who wasn't satisfied with them had a right to move against them. Now, I would not say you are violating the law.

COUNCILMAN GUNNER: If that is the case, then I think == if we are not violating the law, we have violated each others ethics on this Board. Because I was under the opinion that we were going to correct it and obviously, I am not wrong because we are sitting here talking about changing it from what we said, okay.

SUPERVISOR RINGLER: Absolutely, no question.

COUNCILMAN GUNNER: Okay.

SUPERVISOR RINGLER: This Board has a right to change it's mind. The staff has asked me and I am asking the Board if the Board would consider it.

COUNCILMAN GUNNER: It does but... I don't think...

SUPERVISOR RINGLER: If the Board doesn't, I have no problem, we will continue doing it.

COUNCILMAN GUNNER: Ken, I think you're... you might be missing my point, let me try again, Ken.

SUPERVISOR RINGLER: Okay, do it... maybe I don't absorb things. I don't think I have missed your point, Charlie.

COUNCILMAN GUNNER: Okay. Well then I have missed yours, so let me try again.

SUPERVISOR RINGLER: Try again.

COUNCILMAN GUNNER: Okay, we went ahead and said we were going to do it this year. Correct?

SUPERVISOR RINGLER: Yes.

COUNCILMAN GUNNER: And, that is why we voted to do that. We voted to it that way. Now, you are coming back, you want to change, now we get a notice from our Attorney that since we didn't object to it, now we can't object to it.

COUNCILMAN WEBSTER: I read that a little different.

ATTORNEY KAPLOWITZ: Charlie, that's not...

COUNCILMAN GUNNER: Well, I would like you to tell me what I am saying.

ATTORNEY KAPLOWITZ: Anyone in the community who felt aggrieved by the lines that were drawn, had a right to bring a proceeding in court to have them set aside, reestablish, whatever. The time for that is gone.

COUNCILWOMAN GALVIN: And, we represented to the community that we were going to correct it.

ATTORNEY KAPLOWITZ: That is something else. I had no part in that decision, that is up to the 5 of you to do what you want.

COUNCILMAN GUNNER: And, we made a decision, that is my point.

ATTORNEY KAPLOWITZ: That is not a legal point, whatever you decide...

COUNCILMAN GUNNER: That is not a legal point.

ATTORNEY KAPLOWITZ: What that the 5 of you decided to make a change? That is not a legal point. And, nobody can force you to do it.

COUNCILMAN GUNNER: Nobody could force us to ever redraw the lines.

ATTORNEY KAPLOWITZ: That is not what I am saying. You said you made a decision, the 5 of you, to redraw lines.

COUNCILMAN GUNNER: To draw lines.

ATTORNEY KAPLOWITZ: Well, I say that is not a legal decision, you made a decision.

COUNCILMAN GUNNER: Well, why did we pick that time? Actually I thought the time that when to be done was before election which was sort of hectic.

ATTORNEY KAPLOWITZ: I don't know why that time was picked.

COUNCILWOMAN GALVIN: Bernie, are you saying that someone who felt that they were aggrieved by the districts as drawn and who relied on our adopting a motion saying that we were going to correct it by the end of this year -- who for that reason did not bring an action with respect to the districts -- couldn't sue us under 1983 for a deprivation of civil rights?

ATTORNEY KAPLOWITZ: I would say they could not because there is not deprivation of civil rights when you don't have one candidate or one election that we have a weighted vote in, where people run district wide. Everybody in this Town runs at large.

COUNCILWOMAN GALVIN: Bernie, the committeemen who select the candidates and who vote on the slate of candidates at least as far as the Republican party is concerned, are voted on district wide. District only.

ATTORNEY KAPLOWITZ: And the law says that they shall be accorded the number of votes that they have in their district that they represent. So, obviously, there is going to be differences. We could get closer, I don't argue with that but I am not terribly concerned about a civil rights suit on that basis.

COUNCILWOMAN GALVIN: But, are you agreeing it is possible?

ATTORNEY KAPLOWITZ: Anything is possible.

COUNCILMAN WEBSTER: We're... I am not suggesting here that we not do this, I am suggesting that by virtue of the time frame involved and the fact that staff has other requirements, that we are not saying we are not going to do it. We are going to say... all we are saying is it is going to be delayed to a slower time. And that the committee would work to put it together at a later date. We are not saying we are not going to do it. We not going to...

COUNCILMAN GUNNER: I guess we are not going just to a slower time, we are going to a different time. And, that time is next November which will be affected in the following year, correct?

ATTORNEY KAPLOWITZ: Charlie, the key is it is either going to be effective the next election day, a year from now or the following election. It is one or the other.

COUNCILMAN GUNNER: Right.

COUNCILWOMAN GALVIN: Unless it gets put off again.

ATTORNEY KAPLOWITZ: If you don't do it by January 15th then you can't do it in time to affect November of '93.

COUNCILMAN GUNNER: That is why we selected the January date.

ATTORNEY KAPLOWITZ: Perhaps.

COUNCILMAN GUNNER: And, now we are away from that and I don't know why we are away from that. Yes, we have staff problems, why is that brought to us at this date. How many months ago was it that we talked about this.

COUNCILWOMAN GALVIN: June.

SUPERVISOR RINGLER: It was July.

TOWN CLERK NEWKIRK: It was July, the first meeting in July.

COUNCILMAN GUNNER: July, August, September... three months gone by with 3 to go. Halfway through the time thing we are wondering about it. And, you know... I certainly have great empathy for the staff effort and time and everything like that but I guess I am just surprised that I just keep getting the feeling that we get more and more of these things and it is not a great... something real big won't probably happen out of it but who knows. Who knows.. particularly after we... I guess I am just.

MR. SECOR: May I speak?

COUNCILMAN GUNNER: Change on change on change.

MR. SECOR: Charlie, no, I think I would like to restate something. Mike came to me after this was done and I think he was here the night that the whole discussion was held and he realized that the Board wanted to do it again and he started to organize his thoughts and get involved in it and he said, you know no matter how I draw these lines, it is very subjective and somebody could come back and question it. And, I said well, that is what the process is going to be. The Board wants another submittal and go through the thing, so he tried to move forward on it. And, it is, it has been a terrible time crunch and he came back to me again a week or ten days ago before he came to Ken and said you know, I am really not getting time to put into this to do what I want to do to get this stuff to the Board in a timely fashion. Would the Board consider giving me some more time so we can get a committee together so we have more input about how these districts are drawn. And, that was the request that went to the Supervisor and went on to the Board. And, if the Board says no, they still want it done, then I will go back to Mike and say, look, whatever it takes, we are going to have to sit down and do it and we will get the input from Sheila and we will try to... we

have to live within the district lines but we will shape these the best we can.

COUNCILWOMAN GALVIN: Bruce, have you looked into the computerized program?

MR. SECOR: No, I wasn't aware that that was available on a local basis. We can look at that although, we can look, we can see how that works and see if it is time effective in the time we have to work with it and become knowledgeable and be able to work that computer program for our particular area.

SUPERVISOR RINGLER: It is up to you guys. Make him do it, Bruce said he will get it done.

COUNCILMAN WEBSTER: Do you feel comfortable with it?

MR. SECOR: Well, we will just do it. Charlie and everything that has gone on...

COUNCILWOMAN FULLER: Well, what is the quality of the work that is coming out of... we'll just do it.

COUNCILMAN GUNNER: Yes.

COUNCILWOMAN FULLER: That is the concern I have.

MR. SECOR: Other things will have to be put off. Sidewalks may not get built, permit applications may not get filed, some other design work on other highway projects may have to be stopped.

COUNCILMAN GUNNER: Why didn't we know this before, when we first said it? That is what I wanted to know.

MR. SECOR: We did, Charlie, but...

COUNCILMAN GUNNER: You did, I didn't.

MR. SECOR: But, the night the Board had the discussion, they said let's redo it and I sat down with Mike and I said Mike get back on this and see what you can do. He came back to me and you say it is half way through the period and said it is not working. I just don't have the time to sit down and do this and keep up with the other demands that I have going on. And so, that is why we are coming back to the Board. I take... your comment is right, we are half way through the period. Why didn't we say something in August, because the hope was still out there. You know, we will just have to now do what we have to do. We are trying to keep up, we keep the Highway Department moving but there are things that will simply have to be put off because we aren't going to be able to get to them. So, if we don't put this off til next year, we are making the decision to put something else off, whether it be a sidewalk or something else.

COUNCILMAN GUNNER: That is... okay I hear this thing all the time in our society and particularly with government dealing with the Motor Vehicle Bureau which I was involved with... and all the way down, we can't do this because you have taken this away or you made us do this. And, we all have those problems in our lifetime without a doubt and I am not saying that your staff doesn't. It probably is real. I guess I'm saying, we sat and I thought this thing... here we are talking about it again, talking about going around in circles. I thought it was resolved and it is not. And, everybody was happy with it.

MR. SECOR: It is easier to say do it than to get it done is the bottom line and we...

COUNCILMAN GUNNER: Are you understaffed in your department?

MR. SECOR: I am sorry..

COUNCILMAN GUNNER: Are you understaffed?

MR. SECOR: Yes, I mean, everybody is going to say yes to that. You know, for the amount of work load that we get, we could always use more help. What we end up doing is what everybody does in every business, you assign priorities. This is going to get done this week, this is our program, we are going... Gregg gives us a list of the projects that he wants to work on and we attempt to do that. There have been years when we have been unable to perform for the Highway Department. Last year, Gregg... this year Gregg wanted to do another section of Beacon Road, we could not physically get that done for him. So, it has been put off until next year. You know, I am not... you know, so that didn't get on the list.

COUNCILMAN GUNNER: I will tell you, Mr. Supervisor, if you are going to ask for a vote on this, then I will abstain because lack of time to really form my conclusions just by what he said. You are trying to put people in... not you especially, but you get caught between a rock and a hard place and you went that... when you get the letter in the mail the day before the meeting and you have no time to check things out and that bothers me too. And, so, I am not prepared to vote and I will have to abstain because I didn't have enough time to discuss it although we did quite a bit of discussion here but now I get all new information and I am sorry, I am not ready to make this decision tonight.

SUPERVISOR RINGLER: Were you set to vote?

COUNCILMAN GUNNER: I would even be glad to come back for a special meeting within a week. I have no objection to that, we could come back.

SUPERVISOR RINGLER: Okay, if I don't have a motion, we will get the job done.

COUNCILMAN GUNNER: Okay, that is your choice.

SUPERVISOR RINGLER: Yes.

Transfer of Funds Assessor

SUPERVISOR RINGLER: Next a request from Brian Lastra for approval of transfer of funds of \$9,225 from Contingent Account to Assessor's budget.

The motion was made by Ms. Galvin and seconded by Mr. Gunner that the Transfer of \$9,225 from Account No. A1990.4, Contingency to Account No. A1355.4, Assessor's Budget be and it hereby is approved. The motion was passed by the following vote:

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

Approve Purchase of Land Adjoining Highway Dept. Elm Ave. East

SUPERVISOR RINGLER: Next I have a request from the Supervisor for authorization to proceed with the purchase of land adjoining the Highway Department on Elm Avenue East for \$10,000.

The motion was made by Ms. Galvin and seconded by Mr. Webster that the Supervisor be and he hereby is authorized to proceed with the purchase of land adjoining the Highway Department on Elm Avenue East for \$10,000. 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 conduct an Executive Session to discuss a personnel matter.

COUNCILWOMAN FULLER: Before we go, back to the other issue that...

COUNCILMAN GUNNER: Yes, I have a couple things too.

COUNCILWOMAN FULLER: That just happened here, Kathy you were shaking your head and I feel that you have concerns about this and we haven't heard from you.

TOWN CLERK NEWKIRK: Well, I only have concerns because of the time frame.

COUNCILWOMAN FULLER: Well, I would rather hear them this evening, to be very honest.

TOWN CLERK NEWKIRK: Well, I mentioned them before, the fact that right now you are looking at budget process is coming up. I have elections in November. I have organizational agenda to look at plus our meetings and special meetings and the Board requests verbatim minutes. There is only so much time. And, I am working nights and weekends now and that is all there is to it. And, when I work on elections, I let me two girls operate the office and the Board meetings because there's just not enough time to spread everybody out that far. It is a monumental job to do that. And, I also see the point that the residents at this point are not going to be happy with change again next year. Right now they are getting yellow cards that are telling them that their vote is being cancelled... their registration is being cancelled. It is cases of street numbers and names that have changed and the Board sent these cards out and now the Board is saying to everybody -- the Board of Elections, that is -- ignore the yellow card everything is going to be okay. Well, I am hanging out there right now hoping everything is okay because in November I don't know if it is okay. I won't know until Election Day hits and everybody starts calling and saying I went to vote and my card wasn't there. We are trying to get everything this year established and straightened out from the redistricting. And, I am sorry but I do kind of agree from the point of... to again do this next year, we may wind up with the same problems and the residents are going to have two years that they are going to be changing.

COUNCILWOMAN GALVIN: I don't understand why we have so many problems. What is the cause of the problems?

TOWN CLERK NEWKIRK: I can't in some instances put people in the correct district right now. Take as an example, Elm Avenue, Route 144, Route 9W. A lot of people on those areas have their address as R.D. whatever number, Route 9W, some don't have that, some have a box number. There is no way in going through every election book, enrollment, register book -- whatever you want to call it -- and put those people in the correct district because I cannot locate them specifically on the road.

COUNCILWOMAN GALVIN: So, in other words, after Election Day we should know specifically where they are located by whether or not their card is in the right district.

TOWN CLERK NEWKIRK: No, the Board of Elections has -- Friday night, given me permission that on Election Day this year, our Election Inspectors at the request of the people -- may, on the computer list -- put on there, the house number Route 9W, or the house number and River Road -- which right now is known as Route 144 -- along with Elm Avenue has a number of districts, those people also. On the computer list... it is going to take time to get all that again changed on the computer at Board of Elections.

COUNCILWOMAN GALVIN: But, it will be available in the hard copy for the specific areas, for a limited number of specific areas -- Route 9W, River Road, 144 and Elm Avenue.

TOWN CLERK NEWKIRK: I can't say that will totally get done.

COUNCILWOMAN GALVIN: No, but the people who physically hand write it in on their cards.

TOWN CLERK NEWKIRK: Their's will be.

COUNCILWOMAN GALVIN: And, you know who the people are with the problem, right, from having done it this year.

TOWN CLERK NEWKIRK: No, because it is going to be in each district that they are going to have to correct it.

COUNCILWOMAN GALVIN: But, it is going to be in a limited number of districts... the districts that 9W runs through, the districts that 144, River Road runs through and the districts that Elm Avenue runs through, right?

TOWN CLERK NEWKIRK: Along with the house numbers and street name changes -- I mean, there is a lot more than just that problem at this point.

COUNCILWOMAN GALVIN: I mean those... Why do we have so damn many problems?

TOWN CLERK NEWKIRK: Because the 911 conversion -- all right I will take you back another step. We started 2 years ago with 911 conversion to street names and house numbers. So that becomes a complication into this because people with the old street name, their election card has been in that book 10 years -- it is still under the old street name. Previous to this approval that they just told me I have to do this, those cards are left in the book. They have a new street name and a new house -- I was approached first, send all the information to the Board of Elections, they will correct all of this. So, I copied everything and I sent it down there. My first request at Board of Elections was let us correct them on the sheets or the cards -- they said no. The Board of Commissioners of Elections said no, we won't allow you to do that. They said send it to us, so I did. They called me back and said we can't do this because this is done to property owners and there is a lot that are renter properties, therefore, they don't have the people that are living at the address. So, when you couple all this together with the election district changes, you have 2 things going on right now.

COUNCILWOMAN GALVIN: So, the bottom line is, the 2 problems are just going on this year.

TOWN CLERK NEWKIRK: Right, because of redistricting and that.

COUNCILWOMAN GALVIN: They should be resolved after November's election so that the subsequent redistricting would be much simpler and the sooner done the better before the people move.

TOWN CLERK NEWKIRK: We are hoping that is the case but at this point I can't guarantee you anything in that regard.

COUNCILWOMAN GALVIN: But, part of the reason it was so screwed up this time was because of the 2 problems.

TOWN CLERK NEWKIRK: Right.

COUNCILWOMAN GALVIN: In other words, the time consuming process was not just redistricting, it was also this 911 and change in street, in numbering conversion.

TOWN CLERK NEWKIRK: No, the conversion didn't have anything to do with the time of the redistricting part of it, no.

COUNCILWOMAN GALVIN: But, it affected the street numbers.

TOWN CLERK NEWKIRK: Well, it does affect the street numbers. That has to be addressed as well. That is why I am saying you have 2 things right now but that did not address redistricting.

COUNCILWOMAN GALVIN: But, we would not have it at all.. we would not have the bulk of the second problem for a new redistricting. We would only be dealing with one issue and that is redistricting.

TOWN CLERK NEWKIRK: I can't say that definitely because we still have some renumbering and district... names to be changed.

COUNCILWOMAN GALVIN: There may be some but no where near the volume that is going on now.

TOWN CLERK NEWKIRK: I can't answer that, I don't know. That again is an engineering problem. I can't answer that problem.

COUNCILWOMAN GALVIN: Is there ever a slow time in your office where you have nothing to do?

TOWN CLERK NEWKIRK: Not lately.

SUPERVISOR RINGLER: I don't think nothing is a word that she would ever agree to.

TOWN CLERK NEWKIRK: I wish I could say yes, I will tell you.

COUNCILMAN WEBSTER: The 911 situation is supposed to be satisfied by the third quarter of '93, so that should be behind us at that point.

TOWN CLERK NEWKIRK: Yes.

COUNCILMAN GUNNER: I still have another comment, Ken. I can't understand why there was no action in my motion to wait another week. You just decided you are going to do it and that was the end of it. I don't understand that.

SUPERVISOR RINGLER: I didn't hear you make a motion, I am sorry.

COUNCILMAN GUNNER: I had suggested that I would make the motion, why can't we -- and you just said, no we are going to do it. And then before I know it, you call for a vote and there we are. How do you know what somebody might have done next week. In other words, you didn't care what my feelings were. I am really not sure, okay, particularly I listen to all these things, I haven't sat down with Councilwoman Galvin. I haven't sat down with Bruce and his staff or whatever numbers. I haven't sat with Kathy, I hear her problems now. I didn't hear any of these things. I got a letter yesterday that we are going to revise it.

SUPERVISOR RINGLER: I think that was Friday, right? It should have been Friday.

COUNCILMAN GUNNER: I don't know.

COUNCILWOMAN GALVIN: I got mine yesterday.

TOWN CLERK NEWKIRK: It was in the packets on Friday.

COUNCILWOMAN FULLER: Mine came on Friday, my envelope.

COUNCILMAN WEBSTER: My package came on Friday.

COUNCILMAN GUNNER: I think, I had an envelope delivered.

SUPERVISOR RINGLER: The only thing that I had delivered yesterday was the land acquisition.

COUNCILMAN GUNNER: I didn't get in my own house until that day, but I don't think so.

SUPERVISOR RINGLER: I certainly would not, something that important, wait until the day before. That was in the packets on Friday.

COUNCILMAN GUNNER: In the packets?

COUNCILWOMAN FULLER: In the agenda that the police bring on Friday, that is where mine was.

COUNCILMAN WEBSTER: So was mine.

TOWN CLERK NEWKIRK: Yes, it was in there.

COUNCILMAN GUNNER: I have the envelope at home.

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SUPERVISOR RINGLER: It should have been, let's put it that way.

COUNCILMAN GUNNER: I know it was delivered in the small envelope by a Police Officer.

COUNCILWOMAN FULLER: That was the land acquisition yesterday.

SUPERVISOR RINGLER: That is the only thing I sent yesterday.

COUNCILWOMAN FULLER: That is all I got yesterday.

COUNCILMAN WEBSTER: That is all I got.

COUNCILMAN GUNNER: All right.

COUNCILMAN WEBSTER: In fact, I picked mine up.

COUNCILMAN GUNNER: At any rate...

SUPERVISOR RINGLER: Would you like to make a motion to table it until next week and put it on for discussion. I'd gladly do that.

COUNCILMAN GUNNER: It would give me a chance to fully talk with the people that are involved and not trying to -- I am still not sure what the law is, even though I have asked the question 3 times and it seems like nobody else is sure either. Then I can make up my mind better but nobody seemed to care when I said that.

SUPERVISOR RINGLER: I didn't hear you say you wanted to table it but if you do I will entertain a motion to table and bring it back. It is not a problem.

Discussion
Re:
Redistricting
Tabled

The motion was made by Mr. Gunner and seconded by Mrs. Fuller to table the discussion regarding the redistricting of the Town of Bethlehem Election Districts. 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 conduct an executive session to discuss a personnel matter at the end of this meeting.

The motion was made by Mrs. Fuller and seconded by Mr. Webster to conduct an executive session to discuss a personnel matter following the regular Town Board meeting. The motion was passed by the following vote:

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

SUPERVISOR RINGLER: Next. The meeting has not been adjourned, ladies and gentlemen, we have not adjourned.

COUNCILMAN GUNNER: I would like to know if we meet the Town Code that I received on... concerning homestead, the establishment of applicability. Have we met that? Have we done everything we should have as a Board for that?

ATTORNEY KAPLOWITZ: Brian could probably answer you better than I can. Homestead base proportion shall be established by resolution of the Town Board of the Town of Bethlehem in accordance with the rules and State Board of E&A and shall apply the taxes levied on the 1992 final assessment roll and...

COUNCILMAN GUNNER: Maybe you want to read it.

ATTORNEY KAPLOWITZ: ...to taxes levied on subsequent rolls until this article shall be repealed.

COUNCILMAN GUNNER: I just happened to get it this week.

COUNCILWOMAN GALVIN: While Brian is looking at that... still on the homestead topic... there have been a couple of reports...

COUNCILWOMAN FULLER: That is a dead issue, Sheila.

COUNCILWOMAN GALVIN: Just to get something clarified for the residents of this Town, there have been some misleading statements in the press about homestead only applying to 1, 2 and 3 bedroom houses. I have had calls, it appeared again -- could we please get it straightened out so that the people know it is units and they don't have to say...

SUPERVISOR RINGLER: Where is the press?

MR. LASTRA: I will talk to Ilana tomorrow.

COUNCILWOMAN FULLER: That is not necessary, no. That is part of where it is coming from. She had it in 1, 2 and 3 bedrooms.

COUNCILWOMAN GALVIN: Yes.

MR. LASTRA: Yes and it...

COUNCILWOMAN GALVIN: And then the phones start ringing.

COUNCILWOMAN FULLER: She will print a correction and it will be 2,3 and 4 bedrooms. I don't think you ought to get into it. We have had enough confusion.

COUNCILWOMAN GALVIN: No, it will be bathrooms instead of bedrooms.

COUNCILWOMAN FULLER: Whatever.

COUNCILMAN WEBSTER: Let it die.

MR. LASTRA: I will have to check this, I don't think you did establish the proportions and let me make sure that you do that.

COUNCILMAN GUNNER: Therefore, it wouldn't be applicable. Is that correct?

MR. LASTRA: I will have to check into this and find out. I think you basically have to... we filed with the State, or at least I did what our base proportions were and I thought that was all you had to do was send it down to the State Board and they said...

ATTORNEY KAPLOWITZ: It may not be adopted.

COUNCILMAN GUNNER: It wasn't adopted.

MR. LASTRA: But, when you passed the law back in April, you... in that law... the law states that you are going to use the...

COUNCILMAN GUNNER: It doesn't say what proportions.

MR. LASTRA: No, exactly, I am not sure you have to define...

COUNCILMAN GUNNER: Well, why don't you find that out.

SUPERVISOR RINGLER: Please do, so we don't get us into a legal battle over this at some point.

COUNCILMAN GUNNER: Oh, it would be.

MR. LASTRA: It would be, you are right.

COUNCILMAN GUNNER: It would be humdinger.

ATTORNEY KAPLOWITZ: Good for a lot of laughs.

MR. LASTRA: You are right.

COUNCILMAN GUNNER: Oh, yea, a lot of laughs. You had something.

COUNCILWOMAN GALVIN: I had one other thing. I received a memo from Jeff Lipnicky dated October 1st regarding subdivision review and pre-preliminary check list. Since executive session is scheduled, rather than keeping us here until 3 o'clock in the morning and when Jeff isn't here to defend himself, I would like to request that this be put on our next regular meeting agenda for discussion purposes because I take issue with several of the points raised. In particular, basically the fact that it appears that the Planning Department is using a "certain degree of latitude in determining what is and is not required" and not basing it on anything that has been adopted by this Board. But, I would like to have that included for discussion at the next meeting.

SUPERVISOR RINGLER: Certainly.

TOWN CLERK NEWKIRK: The date on the memo again, please, so we can get it.

COUNCILWOMAN GALVIN: October 1st.

SUPERVISOR RINGLER: Motion to adjourn.

The motion was made by Mr. Gunner and seconded by Mrs. Fuller to adjourn the regular Town Board meeting at 9:12 p.m. The motion was passed by the following vote:

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

Kathleen A. Newkirk
Town Clerk

EXECUTIVE SESSION

Executive
Session

The motion as made by Mr. Gunner and seconded by Mrs. Fuller to adopt the personnel manual with changes. The motion was passed by the following vote:

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