

TOWN BOARD  
JUNE 12, 1991

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

- PRESENT: Kenneth J. Ringler, Supervisor  
 Frederick C. Webster, Councilman  
 Sheila Fuller, Councilwoman  
 Charles Gunner, Councilman  
 Bernard Kaplowitz, Esq., Town Attorney  
 Bruce H. Secor, Commissioner of Public Works  
 Kenneth P. Hahn, Receiver of Taxes & Assessments  
 David Austin, Administrator, Parks & Recreation Dept.  
 Gregg Sagendorph, Foreman, Highway Dept.  
 Nancy Karins  
 Peter Belmonte  
 Sherwood Davies  
 Linda O'Brien  
 David O'Brien  
 Barbara Hayden  
 Marie Capone  
 Suzanne Capone  
 Kathy Keenan, News Herald Representative  
 Ilaina Jonas, Times Union Representative  
 Susan Wheeler, The Spotlight Representative  
 Carolyn M. Lyons, Town Clerk

-----  
 Kenneth J. Ringler, Jr., Supervisor, brought the meeting to order, indicating that it was a regular meeting of the Bethlehem Town Board, it was not a public hearing this evening, but as has been past practice if time permits after each item is discussed on the agenda, if there are any questions if anyone would like to raise their hand and we will try to answer them for you. At the end of the meeting we do open the floor for any item that anyone might like to bring to the attention of the Board.

The first item on our agenda tonight is to adopt a resolution to appoint Sheila Fuller as a Councilwoman to the Town Board.

WHEREAS, there is a vacancy on the Town Board of the Town of Bethlehem by reason of the resignation of Robert J. Burns,

NOW, THEREFORE, BE IT RESOLVED, that Sheila Fuller, Delmar, NY be, and she hereby is appointed to the Town Board as Councilwoman, effective June 12, 1991, to fill the vacancy and to serve until January 1, 1992.

The foregoing resolution was presented for adoption by Mr. Gunner, was seconded by Mr. Webster, and was duly adopted by the following vote:

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

Supervisor Ringler congratulated Mrs. Fuller and welcomed her aboard and indicated that now she would have to get to work, but before you do that we would like you to sign your Oath of Office here.

Town Attorney, Bernard Kaplowitz, indicated that he may have said Councilman but he looked over his shoulder and it said Councilwoman. Supervisor Ringler asked Mrs. Fuller to sign her Oath of Office right here. All of the other Board Members, the Town Attorney and the Town Clerk welcomed Mrs. Fuller and congratulated her on the appointment.

-----  
 The next item is a Special Resolution he would like to introduce to the Board and he read it into the minutes.

WHEREAS, Barbara Hayden has enjoyed a long, distinguished and productive career in journalism, reporting for three major newspapers in the Capital District; The Schenectady Gazette, The Albany Times Union and, The Albany Knickerbocker News and

WHEREAS, Most recently the Town of Bethlehem has been the frequent beneficiary of her well known news by-line, receiving the in-depth and accurate coverage of a reporter gifted with the ability to research and articulate news pieces on a wide variety of topical Town subjects and,

WHEREAS, Her pleasant personality, honesty and common-sense approach have endeared her to those whom she has interviewed over the years earning her their confidence and respect and,

WHEREAS, Her fine journalistic abilities brought to the public the kind of news-worthy stories which were informative, factual, well-balanced and interesting, Now,

THEREFORE, BE IT RESOLVED THAT THE TOWN BOARD AND THE PEOPLE OF BETHLEHEM IT REPRESENTS, SALUTE BARBARA HAYDEN FOR HER PROFESSIONAL AND JOURNALISTIC ACHIEVEMENTS AND WISH HER ALL POSSIBLE HEALTH AND HAPPINESS IN THE DAYS AND YEARS AHEAD. BE IT FURTHER RESOLVED THAT THIS INDICATION OF OUR REGARD FOR HER BE PART OF THE MINUTES OF THIS TOWN BOARD MEETING.

The foregoing resolution was offered by Mr. Webster, was seconded by Mr. Gunner and was duly adopted by the following vote:

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

Supervisor Ringler asked Barbara Hayden to come to the front of the room and handed her the original of the resolution which had been framed. Barbara Hayden indicated that she worked for the Union Star and not the Schenectady Gazette. Laughter. She thanked the Town Board members. Supervisor Ringler stated that they were going to miss her. She indicated that she loved the resolution and was missing them all already. Councilman Gunner indicated well you could come and Barbara Hayden responded, but not that much - Laughter and Applause.

-----  
Supervisor Ringler indicated that he did not want to say what subject we are going from you to next, Barbara, Laughter, but the next item on our agenda is discussion of proposed Local Law No. 3 of 1991 to consider revisions to Chapter 61 Dogs, Bethlehem Town Code, which as we all know it as the Scooper Law.

A public hearing was held on this issue several weeks ago and there were comments from both sides of it, the Board has had some time to think about this and there are some thoughts as he knew, he had talked to the Board Members individually, and perhaps Charlie, perhaps you would like to talk about it.

Charles A. Gunner, Councilman, stated that he has concerns about the Law as it was originally proposed and as they had the hearing on it and he would welcome any discussion that the Board has on the agenda because he has quite a few questions that were raised at the public hearing and at the discussion meeting we had when it was first presented as a petition, and some of those questions have gone unanswered, so he would urge that this discussion bring on more light to any of those questions and also anything that anybody would like to bring up that may be new and try to add on to it and after then he was sure that he would be able to come back in for discussion.

Supervisor Ringler indicated that he thought and let him just bring this up right away. He had talked with each of them individually and he talked with Ms. Galvin who has a legal meeting tonight and hopefully will be here, and he thought that most Board Members felt that possibly after listening to the discussion there is problem but no one wants to overkill with any particular legislation. After talking to all of you he asked Bernie to consider some new language and Charlie had talked with him about it too, which might address some of those concerns and attack the problem basically where from what he heard at

least the problem may exist and that is generally speaking, on people's front lawns and that part of the right-of-way that people maintain as a front lawn and Bernie has drafted up some language here that if we did consider adopting we would have to naturally have another public hearing because it would change what we originally held the public hearing on. Basically, what is talked about is that no person shall suffer, allow or permit any dog which such person owns or harbors, keeps or controls or otherwise maintains to soil, defecate or deposit any dropping or fecal matter on any private property or that portion of a front lawn owned by the Town and maintained by the landowner as a front lawn without the consent of the owner. Such soiling action is declared to be a public nuisance. Such soiling action shall be deemed prevented and not a violation of this Article if such person shall immediately clean up all such fecal matter and droppings by causing same to be gathered in a suitable bag, wrapper or other container and disposed of in a safe and sanitary manner.

The Supervisor continued what that basically does as he sees it and Bernie you can articulate it better if you would like, is it basically takes away problems of out in the rural areas of the Town that we are concerned with, it also looks at areas and he could think of one in particular like along Oakwood Road where there is no development, where people can walk along there and it does not effect anybody's lawns and things like that and there were a couple of things in his research that he looked at some other ordinances and the language is not in here but if we are going to go ahead with this he thought that we should do something about not requiring handicapped dogs and so forth, police dogs, to be subject to this Law. Most of the laws do have that kind of an exclusion. Also, he would suggest that he thought that we should put sidewalks and roadways in here as a place not to allow people to have their dogs go without cleaning it up also.

The Supervisor asked the rest of the Town Board Members for their thoughts and comments.

Councilman, Frederick C. Webster, indicated that anything that we can do to extract a suitable compromise as it has come to a neighbor against neighbor issue and he thought that what Bernie had put together here with the exceptions as you say with the exception of a personal dog for a person who is with a sight problem or an animal of that type. Supervisor Ringler stated that there is language you can use that identifies it by law or something of this type of dogs.

Councilman Webster stated that he thought that this would probably be more satisfactory.

Councilwoman, Sheila Fuller asked if there were areas in Town such as Oakwood, is every area in Town covered by an area where you can walk your dog. Supervisor Ringler indicated that he could not say that. Councilwoman Fuller continued at this particular area, say around here, is there any open land. Councilman Webster indicated that the water line area cuts through a pretty wide swath of the Town and that is a pretty satisfactory area. Councilman Gunner stated that southern end of town has an abundance of areas. Councilwoman Fuller indicated that she was wondering about right here. Supervisor Ringler responded that he could not think of anything off the top of his head, there might be some vacant lots or something along those lines that haven't been developed where people could walk their dogs. Councilman Gunner indicated Stratton, the railroad. Councilman Webster asked if we were talking about any restrictions with regard to schools. Supervisor Ringler responded that this would be considered private property and the school district could make that determination. Councilman Webster stated that he knew that was a problem on the playing fields at the elementary schools. Supervisor Ringler indicated but that again is their property and what this would say is they wanted to put a sign up for example saying you must pick up after your dog or whatever, then if they did that and the people did not comply, then they could take action as any other private property owner.

Councilwoman Fuller asked how this would be enforced? Supervisor Ringler replied, Bernie correct me if I am wrong, there are two ways a peace officer in the community can issue a summons or any individual can come in and file a complaint and bring the person before the court if it is a continual problem. Councilwoman Fuller asked if there was a

warning to the dog owner first before it gets into the court. Attorney Kaplowitz responded that this was up to the person who has the authority to enforce it. If your Animal Control Officer for instance gets a complaint he can give somebody a warning or he can give them a ticket depending upon the circumstances and you would hopefully use a certain amount of discretion. Councilman Webster indicated continued abuse or something like that. Supervisor Ringler stated and in many instances the court will dismiss and what was that language they used. Attorney Kaplowitz stated contemplation of dismissal and Supervisor Ringler stated that the courts will issue the warning, they do that very often with dogs if you have a barking dog and so forth and they get them before the courts, the court will say we will adjourn this in contemplation of dismissal if this problem is going to be corrected.

Councilwoman Fuller indicated that she wondered about the home owner who would just say to the person walking the dog, please remove your dog from my property. Supervisor Ringler stated that this was the first step and then if it was a continual problem then it would give them the right to do this. Attorney Kaplowitz indicated that you are not going to hire police officers or anybody else to go out and look for violators and that sort of thing, at least he hoped that we were not. Councilman Webster stated on a complaint basis only. Councilwoman Fuller indicated that this was her concern about the Law. Attorney Kaplowitz continued that generally it was not going to happen unless there is a complaint either from a resident of the Town or something like that, hopefully.

Councilman Gunner indicated that he guessed as you read the first paragraph Article I, Section 61-1 - Supervisor Ringler asked if this was on Bernie's suggestion and Councilman Gunner indicated yes this was what they had been discussing and Attorney Kaplowitz indicated don't blame this on me - Councilman Gunner and the Supervisor indicated, No, Councilman Gunner continued that he had compared it with the Town Code to just see where we could be copacetic because his firm belief is that we have considerable enough in the Town Code, however, there is some concern because people did not define nuisance and he has since defined it with the Black's dictionary and with the English dictionary first because that is what he did the most and he was prepared to deal with that, however, what he would like to do is stay with the train of action that we started on and as you read down on that section 1 Article I, 61-1 the part that starts with In addition to the Town Board, which is the second sentence, is sort of repeated down below what you read and he did not know if that was necessary so he was trying to keep it without unnecessarily changing the existing law if that has worked.

Attorney Kaplowitz indicated to Councilman Gunner the first paragraph Charlie is really a, call it a preamble or something, it is a justification and explains why the Town Board is doing what it does lower down or further down. Councilman Gunner responded, well Bernie in the other restrictions that we have later in the law, it talks about howling dogs, which he knew that there has only been a few complaints given to the court over the years, and one of them or two of them have been howling and yipping dogs, you know that disturb people's composure and repose and so forth, so this way we are singling that out and he was not against singling that out he was all for preventing the general thrust of it, of preventing - nobody should bring their dogs to defecate or do other excrements on their neighbor's lawns, particularly if the neighbor does not want it, that should not happen and he also has great faith in this community that people let them know it, that the vast majority of the people would try to comply to the best of their ability. Generally as he was speaking laws like this are made for the few and he just wanted to make sure that they are done in the proper perspective so as not to be unduly heavy with our citizens who may not need it because the best law is made by people who create themselves, not create it but obey the common decency of human beings of each other. In order for it to be obeyed after you make it because enforcement will be very difficult.

Attorney Kaplowitz asked Councilman Gunner what he would do with that first paragraph? Councilman Gunner indicated that he guessed he would - the first line starting The Town Board - and asked if they all had a copy of the Code with you and he had copies here if they would like them - Supervisor Ringler asked the existing Code and Councilman

Gunner indicated, "Yes" and passed out copies - if you follow that first portion there which is 61-1 if you pick the first sentence of the first paragraph and the first sentence of the second paragraph that seems to be almost exactly what is said in the first in the Code as it stands now. Because we do in that paragraph deal with other nuisances - and nuisances would be in his opinion and he was not a lawyer - a nuisance would be defecation or anything that effects the repose and peace and use people's land if they don't want it so he guessed that is what he would say that paragraph should be and he certainly agrees with what you propose in Section 2 Article 2 Definition if you feel that is necessary, right, and, also, under Section 3 61-5 which is the restrictions which really is the meat of what they can and cannot do. The way you have written that is fine, he does question the word suffer and allow or permit together, do they mean the same thing? Attorney Kaplowitz indicated that they did and Councilman Gunner continued then I do question that last sentence once again because there are other things that are mentioned in there but he was not that strong about it. Attorney Kaplowitz asked the public nuisance bothers you and Councilman Gunner indicated that this was fine but he guessed - are we going to say that about all of the nuisances. Attorney Kaplowitz responded that we were not trying to control all of the nuisances, Councilman Gunner stated yes we are, in the law we are, we have had people come into our Judges' Chambers for barking and yipping dogs and things like that. Attorney Kaplowitz stated well we got into this because of a petition to control the defecation by dogs on public property, that is all that this was designed to do. Councilman Gunner indicated, right, but I guess I am looking at the whole ordinance as dog regulation law which we talk about the keeping and running of dog, keeping is how you take care of them, where you let them go and the leash law from the State deals with the other points. He was not really terribly objectionable to that, but he just felt that the first part of the second paragraph is repeated down there in 61-5.

Attorney Kaplowitz asked the first part of which second paragraph and Councilman Gunner replied the second sentence, the first paragraph of Article 61-1. Attorney Kaplowitz asked are you looking at the old Code and Councilman Gunner replied, No I am looking at the new one, the one that is proposed. Attorney Kaplowitz indicated that we could leave it out if you want, he did not think that it made any difference one way or another. Councilman Gunner stated that this was something that we could consider, right. Supervisor Ringler stated what we can do is draft something up here for a public hearing and even before hand if you want to take a look at it and have some thoughts, then we will schedule the hearing if we make these changes. The Supervisor indicated that he had no problem with what you are saying. Councilman Gunner stated that he would like to hear comments going the other way as well and if they could change his mind, OK change it.

Supervisor Ringler continued that he did not have a problem with what we are suggesting and Councilman Webster indicated that he thought that it was a good compromise.

Attorney Kaplowitz indicated that the Town Board would have to tell him if they wanted to include roads. Supervisor Ringler stated, Yes, he had suggested that roads and sidewalks - Sheila Galvin had mentioned sidewalks to him today and if we are going to do roads she said that sidewalks would be the same thing and asked what were the thoughts of the rest of the Board on that? He thought that if we don't we just move it from the lawn to the street and Councilman Webster indicated no you can't do that. Attorney Kaplowitz stated OK we will add roads and sidewalks. Councilman Gunner asked if there was any property left then where you can walk a dog other than your own, which if that is what you are saying we should say, we have private property correct. Attorney Kaplowitz indicated what it boils down to Charlie he thinks is those areas that belong to the Town as right-of-way that are not maintained by somebody as a front lawn it would be OK to walk your dog. He thought that this was meant, he was just kind of observing that this is where he would be at. Councilman Webster asked and not maintained as a lawn and Supervisor Ringler replied right, exactly. Councilman Gunner asked and that is clear to everybody what it means and he hoped that it means the same thing to everybody else and Supervisor Ringler indicated that this is as he viewed it and this was the point that they were trying to get. The Supervisor asked if

everybody was in concurrence about making those changes and trying to schedule to schedule a public hearing.

Councilman Gunner asked before we make the other changes we talked about the portion of front lawns. Supervisor Ringler indicated handicapped dogs and so forth. Councilman Gunner stated we are taking out the first paragraph - the second sentence first paragraph, and he guessed that he would also ask is it necessary to repeat in the second paragraph, it is repeated again and it is also then said down in the Restrictions. Attorney Kaplowitz indicated that he would try to combine it and make one paragraph or something it does not change anything because we said it twice he did not think. Councilman Gunner indicated well OK he would be glad to listen but you wanted suggestions now.

Councilman Gunner indicated under Section 3 Article 61-5 the last - the word suffer which he already explained - and the last sentence in that such soiling actions declared to be a public nuisance and that is OK and detrimental to public health - that was going - detrimental to public health was going unless we have some evidence that it is. Supervisor Ringler indicated that he did not think that we had to get involved in that the nuisance factor is the thing that we have been talking about here. Councilman Gunner stated that nuisance was in the existing law.

Councilman Gunner indicated that he guessed that he just had another preference and he guessed that the best place to put the relief from any violation is right after the paragraph right after it, not in the section of the Code which deals with penalties? Attorney Kaplowitz indicated Section 61-7 says Penalties for offenses, you want that to be somewhere else or are you suggesting that we put it - Councilman Gunner stated he was just asking should that really follow the paragraph where it is which is under Restrictions or should it go under Penalties and Offenses? Attorney Kaplowitz stated that it was handled as a separate item 61-5 is Restrictions 61-6 is Seizure and Appearance Tickets and 61-7 is Penalties, and he thought this was the proper place to put it, it is common to put that at the very end of the law. Councilman Gunner indicated OK but that you in other words would be it 61-6 d. Attorney Kaplowitz stated that we were not changing 61-5. Councilman Gunner asked you have it as 5 and that is where you think it belongs? Attorney Kaplowitz asked I don't see where you say that I have it at 5, I am missing something. Councilman Gunner indicated it says here 61-5 h you have two paragraphs there. Attorney Kaplowitz stated that this was the restriction and that belongs under 61-5, but penalties in the old code - Councilman Gunner indicated where the relief from what they are restricted from is what he was asking about. Attorney Kaplowitz indicated oh, OK, maybe I misunderstood you. Councilman Gunner stated that second paragraph under 61-5 - and Attorney Kaplowitz asked either leave it there or put it under penalties, he felt that it belongs more appropriately there he would think, but it fits either way, the meaning is clear he thought that if either the Town Judges get involved in it.

Councilman Gunner continued may I suggest, also, that in that last paragraph before Section 4 that where it says droppings by causing to be gathered in a suitable bag, wrapper or other container and disposed of in a safe and sanitary way, because of the comments that were made at the open hearing he guessed he wondered why we did not just say containers does it make any difference, you say containers and a bag or a wrapper is a container. Councilman Webster asked say in a suitable container in a safe and sanitary manner. Councilman Gunner stated that it was not a big deal and Attorney Kaplowitz indicated whatever you want and Councilman Gunner indicated that it did not make any difference to him it was just his thoughts and that was all that he was bringing forth again. Attorney Kaplowitz indicated in a suitable container that was fine and Councilman Webster indicated that that was an issue.

Councilman Gunner stated that his last question at this point would be immediately would mean when after was vote on it. Attorney Kaplowitz indicated that it did not take effect until we file it with the Secretary of State. Councilman Gunner asked which is approximately when? Attorney Kaplowitz asked we file it within a couple of days - right Carolyn - and the Town Clerk indicated usually the next day. Councilman Gunner asked if this was normal procedure for things like this. Attorney Kaplowitz stated for most things but you don't have to

do that. Supervisor Ringler stated that it was suggested in the public hearing that we perhaps might want to give some time to do that and that was not something that he would object to if you wanted to put thirty days - and Councilman Gunner indicated that we had just done this on something else just recently - Supervisor Ringler stated that we can do whatever we want. Councilman Gunner stated because a lot of people could be away on vacation by the time that this thing comes in and they will not even know about it and they are not prepared. Supervisor Ringler indicated why don't we put thirty days from the date of passage. Councilman Webster indicated and get a chance to advertise it and get the word out. Attorney Kaplowitz indicated how about thirty days after filing with the Secretary of State and all agreed.

Mrs. Marie Capone asked Bernie why did you put front lawn instead of lawn or something to cover the side lawns. Attorney Kaplowitz indicated that he did not know and Mrs. Capone stated that he was not too specific OK she did not look so much for the back yard as the side yard, if your neighbor has a dog he can send his dog to poopoo on your side of the house. Attorney Kaplowitz stated that their discussion was that you cannot go on somebody's private property period, nobody has the right to bring their dog on your house in any event we say private property, the problem was the portion of the front lawn that is not yours; it is owned by the Town and that was what we trying to address. We do say private property and nobody has the right to bring their dog on to your property especially for that purpose.

An unidentified woman from the audience indicated that she wanted to thank the Town Board for their time as she was a dog owner and she thought that they had spent a lot of time. Supervisor Ringler indicated that we were going to have another hearing and he hoped that she was going to come in and tell us that. Laughter.

The Supervisor asked if there were any other comments.

The motion was made by Mr. Webster and seconded by Mr. Gunner that a public hearing be scheduled for July 10, 1991 at 7:30 p.m. to discuss Local Law No. 3 of 1991 Amending Article 61 of the Code of the Town of Bethlehem covering Regulation of Dogs.

New  
Public  
Hearing  
Set  
Local  
Law No.3  
of 1991  
Amending  
Article 61  
of the  
Code of  
The Town  
of  
Bethlehem

Councilman Gunner asked we will have the revised Law well in advance of that meeting? Supervisor Ringler indicated, yes as soon as we get that I would like to fax it out to the Board so that when we do get it ready for release to the hearing that there are no questions as to misunderstandings as to what we did tonight. Attorney Kaplowitz indicated that he thought that the Town Board has to have it seven or ten days before the public hearing or something like that. Councilman Gunner indicated OK fine. Attorney Kaplowitz stated that he would get it to them.

The Supervisor asked if there was further discussion.

The motion was passed by the following vote:

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

The Supervisor thanked Attorney Kaplowitz and Councilman Gunner.

-----

The next item is discussion of reconstruction of County Route 308 and replacement of the existing three inch water main. The Town Board all received a memorandum from Mr. Secor and Bruce rather than read the whole thing perhaps you can give a quick overview and we will open some discussion on it.

Reconstruction  
of County  
Route 308  
and  
Replacement  
of 3" Water  
Main

Mr. Bruce H. Secor, Commissioner of Public Works, indicated this is New Scotland Road coming out of Slingerlands, the Town of New Scotland Town Hall is right here and right across the street is County Route 308 which runs from New Scotland Road down to outer Delaware Avenue Route 443. The area circled and outlined in blue on this map are areas that we service in addition to the one hundred fifty foot

mandatory service area along New Scotland Road. There are currently ten water customers on County Route 308 that are serviced there is an eleventh user that is the second house in on the right that has a private line that goes in. Our problem over the years has been it is a private line, he does not know when or how it came into existence, it is an old galvanized line and it had no master meter on it and every time the line would leak it would run and run and run and we would have to go and shut the water off and all the neighbors would get together and have a meeting take up a collection and fix the line and then we could turn the water back on and this has been going on over a number of years. The County is going to reconstruct this entire road and they do not want this old dilapidated line under their pavement, so the earlier memo I gave you a copy of was a design meeting up at the County of Albany Public Works Department and they decided to move the line out in front of the road and replace it in kind. We are replacing a line of the same size is not normally an issue that we would bring before the Town Board so no mention was made. But now there is a request in to increase that to a six inch diameter line so that is why they have come to the Town Board.

Mr. Secor continued that Supervisor Corrigan some years ago wrote a letter to the Town of New Scotland stating the policy of the Board that there would be no new lines installed in New Scotland without the formation of a water district, and that is the policy that he is still working under until a new Board should supersede that. So it really is an issue, this would be a water district of the Town of New Scotland which would incorporate at least those nine or ten residents that are served and as he said in this memo our biggest concern is how much additional vacant land, there is vacant land from there all the way down through, and their water problems are severe out in that area and it is a concern to us there is nothing in Mr. Reilly's letter that defines the size of the water district that would be contemplated in this petition. Unfortunately since the construction contract has already been awarded and the construction contract has in it the replacement of the line in kind and size with the three inch, it becomes a very immediate crisis for them if they are going to get the six inch done that are going to have to do it right away and that will be long before we will see the engineer's map, plan and report and the district boundaries to know what we are biting off.

Supervisor Ringler indicated that he had read Mr. Reilly's memorandum and he could not find a rational reason as to why it should be from three to six. The questions he had, he talked about the life of the line by having in a six inch line, is there any rational behind that? Mr. Secor stated that he would not understand that. Councilman Webster indicated that he gives a fifty year life span and what we have there is already ninety years old. Supervisor Ringler continued so the only reason that he could see that they would be looking for a six inch line would be for further expansion. Mr. Secor stated that was the only thing he could contemplate or the possibility for fire protection, but as you drive out through here there is only one fire hydrant which is down near the fire department because when this water main was put through the Town of New Scotland would not pay for any fire hydrants so none were put in and that is why there are no fire hydrants out there. Supervisor Ringler indicated that he did not know, we have worked with the Town of New Scotland before and they have worked with us in situations, but his view to give them a six inch line without knowing what they are talking about a water district is basically giving them a blank check and he did not think that he was in a position himself to go along with something like that at this point in time, we are still looking at our future water options as the Town Board knew, and we are looking at where we are going in the future and at some point in the future we may have sources that we would be glad to sell the Town of New Scotland loads of water, but at this point in time he would be very concerned about doing that because once the six inch line is in and once the water district is formed it is out of our control.

Mr. Secor stated and the other issue that is with that and again he was looking for direction from the Board is on the issue of tapping into the sixteen inch transmission main. The sixteen inch transmission main is the primary source of water to get water from Vly Creek Reservoir into the hydraulic center of the Town which is over in Slingerlands and then distributed from there and every time we put a hole in that pipe it subtracts from the available water in the Town of

Bethlehem. In the past, there are three water mains out there, there is a very old six inch, a ten inch which is on the northerly side of the road and the new sixteen. We have been confining the taps to the ten inch because that is of lesser importance to the major work of transmission of water into the Town, so again the problem for this particular installation is there could be a \$20,000.00 or \$30,000.00 expenditure to boar underneath the New York State highway in order to connect to that ten inch, but that would normally be our position is that they should not be connected into the sixteen.

Supervisor Ringler stated that he had given his thoughts and asked if anyone else had any comments? Councilman Frederick C. Webster stated that he thought that we would just be opening ourselves into a can or worms in the extension, and you already know how he feels about it, but he felt that we were just opening ourselves up to future expansion down New Scotland Road south and he was definitely against tapping into that sixteen inch main you can't put a hydrant on a three inch line. Mr. Secor indicated that this was correct and Councilman Webster asked how far in off of New Scotland Road does that go? Mr. Secor stated you are asking me and I don't know, that is one of the problems out there. Councilman Charles A. Gunner asked New Scotland has not defined the water district boundaries? Supervisor Ringler responded, No, it has been pointed out to them in a memo that once they have is it five residents on this they are supposed to form a water district. Mr. Secor replied by the Albany County Health Department and New York State Health Law after you get over five users on a line by definition it becomes a transmission line which should be incorporated into a district and it is really done for health purposes and that is a criteria that will come upon them that they will have to deal with, but that isn't the drive for going from a three inch line to a six inch that is just a definition of the matter as to whether it is a public line or a private line. Councilman Webster stated our concern is to service the ten people that are currently on that line and if we are servicing them with an old three inch line now, we can certainly service them more than adequately with a new three inch line, right. Mr. Secor indicated we can give them the same service that they are receiving now or better with the new three line. Councilman Webster stated and that is our obligation. Supervisor Ringler indicated and we are also talking about putting a new master meter in. Mr. Secor stated well the master meter he had requested, again because of this problem with leaks and things and again we do not know where these homes are tapped, we have a policy now that if any service lines over one hundred and fifty feet long, so if someone buys a couple of acres and wants to put a house back in three or four hundred feet that is wonderful, but we will put the meter out near the street so if they have a problem with their service line going into the house, if they are feeding a fish pond or if they are sprinkling their lawn, we know that we are metering the water that they are using so we require that and this fits into that and there is only one other road that we don't have a master meter on and that is Crow Ridge Road and there are six or seven or eight users in here. Councilman Webster indicated that he would go along with his original memo to Mr. Anslow. Mr. Secor stated to stay with the three inch and Councilman Webster indicated to stay with the three inch.

Councilman Charles A. Gunner stated he did too. Councilwoman Sheila Fuller stated that she would also in accordance with Bruce's recommendation.

Supervisor Ringler asked if anyone would like to offer a motion that we instruct Bruce to notify the Town of New Scotland to only authorize a three inch line.

The motion was made by Mr. Gunner and seconded by Mr. Webster that Bruce H. Secor, Commissioner of Public Works, notify the Town of New Scotland that the Town of Bethlehem only authorized replacement of the three inch water main in connection with the reconstruction of County Route 308. The motion was passed by the following vote:

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

The Supervisor thanked Mr. Secor.

416  
Discussion  
Late  
Payment of  
Water Bills

-----  
The next item on the agenda was discussion regarding late payment of water bills. The Supervisor indicated that he had received a Memorandum from Kenneth Hahn, Receiver of Taxes & Assessments, back in April and he had asked Bernie to look into this and he thought it might be easier for him to just read this to the Board and the public so he thought it explains it pretty well to the Town Board.

April 25, 1991

Bethlehem Town Board,

The number of homeowners who elect not to honor the final warning notice, concerning unpaid water rents and allow these sizable sums to be relieved onto the following year's property tax are growing and significant. It is my opinion that the time has come to levy a processing charge on those individuals that necessitate this considerable additional postage, labor, phone calls, and computer work.

Let's start from the beginning with the first water bill being issued by the water department starting in July of each year. When this bill goes unpaid as of August 1st, a 10% late charge has to be added to all unpaid bills in the tax office. Also, these 10% fees must be added to each computer account and proven between these two departments. This practice continues through the next two 4 month billings. All three unpaid bills for each home must be grouped and proven to the total amount to be reported to Albany County for the re-levy process.

Meanwhile, the water department in August, mails out several hundred warning notices, advising of unpaid status, providing deadline date of September 30 payment and alerting to the pending relevy action. A copy of this form is enclosed for reference.

The above mailing and hundreds of evening phone calls result in numerous payments being completed timely. But as of October 15, 1990, 260 properties representing \$27,824.63 became necessary to be further processed for relevy of unpaid water rent onto the 1991 property tax bills. Not only are the labor costs substantial in these many transactions but also the Town of Bethlehem loses use of this large sum of revenue for four additional months.

My proposal is that a 15% handling and processing fee be assessed to every water account that has to be relieved by Albany County onto the following year's property tax bill.

The purpose of this additional fee is to encourage payment by September 30, make the revenue available to the township, reduce the additional processing cost and when necessary, to assign the cost of the freight to the people who make the additional work necessary.

/s/ Kenneth P. Hahn  
Receiver of Taxes & Assessments

Supervisor Ringler stated that there was a question as to whether or not we could do this because it would supersede State Town Law and Bernie has issued a Memorandum saying that he agrees that this is in our jurisdiction to be able to do such a thing. The Supervisor asked Kenneth Hahn if he would like to add anything to what he just read.

Kenneth P. Hahn, Receiver of Taxes & Assessments, indicated that he would just do a brief demonstration first. He indicated the size of the list of delinquent water bills by folding out the computer list of names and stated to give you some idea of how significant it really is this is last year's list of individuals who have elected for one reason or another to allow their sizable unpaid water bills to be transferred to their property tax. Now this has been a gradual but steady increase over the last twenty-eight years to the point where that sheet of paper represents \$27,000.00 of Town revenue that could be used to service and process the Town water, that is tied up for as much as a year and three quarters, because the water year starts July 1st because the cut-off as far as the amount to be transferred to the tax is cut-off as of June

30th, so an individual starts July 1st to the following June 30th and then he has until September 30th to make the payment, which is three months more, and then when he doesn't pay it goes to the County, it is charged back on the January property tax bill and if he elects to pay it on the last day of March 31st which in many of these situations that crop up, then we are talking about a year and three quarters that the money that the Town could well use especially in years such as this that we are experiencing, is tied up and not available to the Town. So it is his hope that the fifteen percent handling and processing charge would result in two things: No. 1 that the individual would elect to save that fifteen percent and therefore pay timely, save the extra postage of which there are more than five hundred that goes out the first of August, save the additional processing time to transfer all of these sums from the computer records and from their records save the labor that the person from the Public Works Department has to go to the Assessor's office and look up the Account Numbers so that each individual amount is then written up on a single sheet for 260 pages that in turn goes to Albany County. The second thought is that it would generate enough interest so that we would have either the \$27,000.00 to work with or a substantial portion of it.

Supervisor Ringler asked if there were any questions from the Town Board.

Councilman Gunner asked do other Towns do this Bernie did he know or did Ken Hahn know. Kenneth Hahn indicated that this would be a first, however, they received a notice from Sears, and he was happy to say that although they printed it after he did it, they created the idea and it has been used by the company since, but they said it as good as he could say it indicating that the cost for this additional service which is being needed and requested should be born by those that create it. Councilman Gunner stated that he had cleared up his next question but he was asking mostly so that people who may have been confused or thinking like he was as he read it would know that it is not the type that he thought it might be. It is not compounded it is ten percent on the first third bill and the next ten percent is only on the second third bill so it is really a ten percent for the year, actually it is a year and a quarter, so what we are anticipating is adding fifteen percent which will make that a twenty-five percent fee, to only those people who did not pay the final bill before it went to the County. Kenneth Hahn stated exactly. Councilman Gunner indicated that this made a big difference to him so he wanted to pass it on. Kenneth Hahn stated "nicely done".

Councilman Frederick C. Webster indicated that there are people on that list he knew when he was with Ken Hahn the other day who have not only boasted of not paying their water tax for twenty-one months and having use of the money, but when it becomes a part of their property tax bill they are boastful of the fact then they can use it on their income taxes even though it is not a legitimate deduction, but it does come in on their tax bill and it is submitted as an income tax deduction in violation of IRS Laws, so they are boasting about it. Kenneth Hahn indicated that they would get extra to inflate their deductibles and it is true. Councilman Webster continued so they have use of the money for twenty-one months and then they put it on their income tax and he did not think that we should support that.

Councilwoman, Sheila Fuller, asked are you able to determine who cannot afford to pay these bills. Kenneth Hahn indicated that they scan the list and if he had to point to two individuals on the list he would have trouble finding the second one, who is not paying because they cannot afford it. Attorney Kaplowitz indicated that he would like to add something not taking either side, but he was not aware of any town every doing it. The law specifically allows us to add the ten percent after being thirty days late you can add the ten percent, there is no authority in there beyond that. We do have authority in other areas to vary some general State laws and he suspects that we can do this, but he did not want to say that he was not sure, but he was not sure. He thought that we could do it and again he did not know that it had ever been done, but there is no specific authority in the Town law for doing this and he just wanted to kind of warn you.

Councilman Gunner stated that certainly he thought that if this can be done and the people are really beating our town government

taxation and our federal taxation at the expense of the rest of the taxpayers he would commend him for bringing this forward. Councilman Webster asked Kenneth Hahn if he had anyone come to the window that is not capable of paying, does he have anyone coming in with that excuse or any reasoning. Mr. Hahn indicated that he did not and Councilman Webster asked none whatsoever. Mr. Hahn indicated that they would try to work out some arrangement and Councilman Webster stated that he knew that he would. Councilman Gunner asked so you have a plan if that does happen? Kenneth Hahn stated if they could make five dollars a week they would help them get the payment in, we would work out some arrangement.

Attorney Kaplowitz stated that anyone who is taking that as a deduction on their income tax is just taking an improper deduction, they are not fooling anyone. Supervisor Ringler indicated they are just hiding it on the tax bill. Attorney Kaplowitz continued that it was not an allowable deduction. Mr. Hahn stated that they will tell you that on the phone, I want this on my taxes because it makes my deductible inflated. Councilman Webster indicated that he had two of the repeaters say that to him face to face. Attorney Kaplowitz indicated that nobody was going to audit their return for that reason, but if they are audited for something else and an IRS agent was to see it, he would laugh he thought and say that is not an allowable deduction, that is ridiculous. Councilman Webster stated Oh I did not realize that was on there. Councilman Gunner stated and Ken you may even get extra revenue out of this if this law does go through and everything you may have a lot of towns writing to you for copies of the law and they should at least be charged for the cost of reproducing it. Laughter.

Supervisor Ringler asked if there were any other questions or comments. If we are going to do this as he understand it from counsel we will have to do it in the form of a Local Law and again being in the form of a Local Law we would have to schedule a public hearing and we could do that on July 10th at 8:00 p.m.

Town Attorney, Bernard Kaplowitz, asked if he could draw the Local Law up first and let the Town Board look at it. The Supervisor asked if he would like to draw it up first and the Town Attorney indicated that he would be more comfortable if he did this and let them see it rather than set the hearing date.

The Supervisor stated then it would be appropriate to table this and let Bernie draft something up and then we can set the public hearing after we take a look at it. Attorney Kaplowitz stated that he would draft it and then the Town Board could make any changes they wished before the public hearing was set.

The motion was made by Mr. Gunner and seconded by Mrs. Fuller that the request to impose penalty for later payment of water bills be tabled until such time as the Town Attorney has an opportunity to draw up the Local Law and present same to the Town Board for review. The motion was passed by the following vote:

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

The Supervisor thanked Kenneth Hahn.

-----

The Supervisor next acknowledged receipt of an Amendment to the Certificate of Approval of Final Plat for the Quail Hollow Subdivision from the Planning Board for informational purposes only.

-----

Supervisor Ringler next acknowledged receipt of Conditional Approval of Final Plat for The Williams Subdivision from the Planning Board again for informational purposes.

The Supervisor acknowledged receipt of the Preliminary Plat for Colonial Woodlands Subdivision from the Planning Board for informational purposes.

-----

Supervisor Ringler next acknowledged receipt of Preliminary Plat Approval for the McMillen Woods Subdivision from the Planning Board for informational purposes.

-----

The Supervisor indicated that next we have the Republican Election Inspectors.

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

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

RESOLVED, that pursuant to Article 3 of the Election Law, the following persons be and they hereby are appointed Election Inspectors as recommended by the Republican Committee for the term beginning July 15, 1991 and ending July 14, 1992.

Dist#	Name & Address
1	Marion Davis, 61 McCormack Rd., Slingerlands, NY 12159 Julia Peek, 34 Bridge St., Slingerlands, NY 12159
2	Margaret McCullen, 576D Delaware Ave., Delmar, NY 12054 Mary Winchell, 482 Stratton Pl., Delmar, NY 12054
3	Patricia Baldwin, 20 Gardner Terr., Delmar, NY 12054 Dorothy Lewis, 20 Gardner Terr., Delmar, NY 12054
4	Ann Hulme, 50 Sunset Dr., Delmar, NY 12054 Marilyn Greenman, 18 Sunset Dr., Delmar, NY 12054
5	Lynne Hummel, 8 Glenmont Ct., Glenmont, NY 12077 Patricia Warnken, Feura Bush Rd., Glenmont, NY 12077
6	Jeanette Mortensen, 11 Whitehead St., Selkirk, NY 12158 Sue LeMere, 12 Cottage Lane, Selkirk, NY 12158
7	Rose M. Giovannetti, R.D. #2, Box 282, Selkirk, NY 12158 Florence A. Barbic, Box 154, R.D. #2, Selkirk, NY 12158
8	Suzanne Perry, 21 Bender Lane, Delmar, NY 12054 Mary Ellen Schaming, 16 Rose Court, Delmar, NY 12054
9	Roger & Helen Reynolds, 428 Delaware Ave., Delmar, NY 12054 Jean Showalter, 32 Douglas Rd., Delmar, NY 12054
10	Margaret M. VanDenBerg, 406 Schoolhouse Rd., Albany, NY 12203 Jean M. Pelton, 408 Krumkill Rd., Albany, NY 12203
11	Bette Lombard, 220 Winne Rd., Delmar, NY 12054 Elizabeth Nathan, 117 Westchester Dr., Delmar, NY 12054
12	Kenneth Mortensen, Jr., 8 Elwood Rd., Delmar, NY 12054 Jean Buno, 20 Charles Blvd., Delmar, NY 12054
13	Alice Cirillo, 2 Norge Rd., Delmar, NY 12054 M. Alfhild Merritt, 135 Elsmere Ave., Delmar, NY 12054
14	Jean Greer, 13 Sherbrook Dr., Selkirk, NY 12158 Charlotte Flynn, 3 Rigi Court, Selkirk, NY 12158
15	Sharon Ornoski, 19 Holbrook Way, Delmar, NY 12054 Jean W. Clark, 9 Crestwood Lane, Delmar, NY 12054
16	Lillian Kuhn, 576C Delaware Ave., Delmar, NY 12054 Frances Clouse, Whitehead St., Selkirk, NY 12158 Alyce G. Suedmeyer, 535 Dawson Rd., Delmar, NY 12054
17	Audrey Fiato, 79 Dumbarton Dr., Delmar, NY 12054 Anne Young, 54 Devon Rd., Delmar, NY 12054
18	Odette Fox, 62 Paxwood Rd., Delmar, NY 12054 Ruth Downs, 12 Quincy Court, Glenmont, NY 12077
19	Kay Craft, R.D. #4, Selkirk, NY 12158 Patricia Cross, Route 144, Selkirk, NY 12158
20	Harry Palmer, 103 Roweland Ave., Delmar, NY 12054 Myrtle Flis, 95 Roweland Ave., Delmar, NY 12054
21	Darlene Bell, 40 Rockefeller Rd., Delmar, NY 12054 Sue Redmond, 60 Euclid Ave., Delmar, NY 12054
22	Merle Oliver, R.D. #2, Murray Dr., Delmar, NY 12054 Eleanor Haverly, 28 Poplar Dr., Delmar, NY 12054
23	M. Gloria Barr, 137 Murray Ave., Delmar, NY 12054

420

- 24 Pauline Ouderkirk, 359 Elm Ave. S., Delmar, NY 12054
- Deidre Morgan, 16 Patroon Pl, Glenmont, NY 12077
- Evelyn Alford, 491 Haskell Place, Delmar, NY 12054
- 25 Marcia Kleinhans, Leonard Pl, Delmar, NY 12054
- Rosemarie Kinum, 65 Brightonwood Rd., Glenmont, NY 12077
- 26 Phyllis Pritchard, 13 Spruce Ct., Delmar, NY 12054
- Judith Draper, 850 Orchard St., Delmar, NY 12054
- 27 Eleanor Currie, 45 Blessing Rd, Slingerlands, NY 12159
- Patricia Cunningham, 4 Oxford Rd., Slingerlands, NY 12159

The resolution was adopted by the following vote:

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

Supervisor Ringler stated that next we should adopt the resolution to appoint the Republican Poll Clerks.

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

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

RESOLVED, that in accordance with Election Law, Article 3, the following persons be and they hereby are appointed as Poll Clerks for the Town of Bethlehem on Election Day, November 5, 1991, as recommended by the Republican Committee:

Dist.#	Name & Address
1	Pat Healy, 72 McCormack Road, Slingerlands, NY 12159
2	Charles Alford, 491 Haskel Place, Delmar, NY 12054
3	Edward J. Colwell, III, 49 Herber Ave., Delmar, NY 12054
4	Carol Leavitt, 29 Hunter Rd., Delmar, NY 12054
5	Steve Weiland, 9 Weiser St., Glenmont, NY 12077
6	Cathy Engel, 156 Maple Ave., Selkirk, NY 12158
7	Dorothy Percival, R.D. #2, Ravena, NY 12143
8	Steven Reidel, 18 Rose Court, Delmar, NY 12054
9	Shirley Sinsabaugh, 10 Roweland Ave., Delmar, NY 12054
10	Victor Mislán, 4 Henry Ave., Albany, NY 12203
11	Adella Strickland, 14 Albin Rd., Delmar, NY 12054
12	Helen McSherry, 97 Brockley Drive, Delmar, NY 12054
13	E.Theodore&Helen Washburn, 127 Elsmere Ave. Delmar, NY 12054
14	Dorothy Pesnel, 47 Peel St., Selkirk, NY 12158
	Winston Greer, 13 Sherbrook Dr., Selkirk, NY 12158
15	Gertrude Smith, R.R. #3, Box 2A, Glenmont, NY 12077
16	Mildred Hoffmeyer, 518 Kenwood Ave., Delmar, NY 12054
17	Gloria J. LaForte, 153 Dumbarton Dr., Delmar, NY 12054
18	Elizabeth Spooner, 11 LaGrange Rd., Delmar, NY 12054
19	LeRoy Minshell, Clapper Rd., Selkirk, NY 12158
20	Geraldine Blanchard, 116 Murray Ave., Delmar, NY 12054
21	Robert Greenman, 18 Sunset Dr., Delmar, NY 12054
22	Thomas Dowling, 9 Saybrook Dr., Glenmont, NY 12077
23	Clarence Ouderkirk, 359 Elm Ave. So., Delmar, NY 12054
24	Kevin Kosiba, 42 Hudson Ave., Delmar, NY 12054
25	Charles C. Myers, 2 Flint Dr., Delmar, NY 12054
26	Michael F. DiNapoli, 528 Huron Rd., Delmar, NY 12054
27	John Googas, Jr., 333 Krumkill Rd., Slingerlands, NY 12159

The resolution was adopted by the following vote:

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

Next was a request from John Flanigan, Building Inspector, for renewal of dumping permit for Marjorie O'Hagan. He has reviewed this

Next was a request from John Flanigan, Building Inspector, for renewal of dumping permit for Marjorie O'Hagan. He has reviewed this initial request with the Engineering Department and recommends our approval for one year with the conditions as stated in the Engineer's letter.

Dumping Permit  
Marjorie O'Hagan

The Supervisor asked if anyone had any questions regarding that.

The motion was made by Mr. Webster and seconded by Mrs. Fuller that a Dumping Permit be issued to Marjorie O'Hagan to dump 200 cubic yards of dirt and road materials on her property at 188 Hudson Avenue, Delmar, NY with the following stipulations for a period of one year:

1. That no more than 200 cubic yards of fill be placed.
2. All fill shall consist of dirt and broken pavement. No other construction material will be allowed.
3. All fill shall be graded to prevent run-off from entering lands to the east and west.
4. All side slopes shall be placed no steeper than 1" vertical on 3' horizontal.
5. As soon as any portion of the filling is completed, that area shall be graded to allow for proper drainage and then seeded to minimize wind and rain erosion.
6. All material tracked onto the highway shall be cleaned immediately or all operations shall cease. It shall also be the applicants responsibility to maintain the site in a neat and orderly manner at all times.

The motion was passed by the following vote:

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

-----

Next was a request from John Flanigan for renewal of a Dumping Permit for Joseph McCandless and again with the conditions that have been added by our Engineering Department.

Dumping Permit  
Joseph P. McCandless

The motion was made Mr. Webster and seconded by Mrs. Fuller that a Dumping Permit be issued to Joseph P. McCandless to dump not to exceed 1,000 cubic yards of clean fill on his property at the rear of his home on Couse Lane, Slingerlands, NY for a period of one year with the following stipulations:

1. All fill shall consist of dirt or broken pavement. No other construction material will be allowed.
2. All side slopes shall be placed no steeper than 1' vertical on 3' horizontal. This slope should start with the new fill to be placed.
3. As soon as any portion of the filling is completed, that area shall be graded to allow for proper drainage and then seeded to minimize wind and rain erosion.
4. All material tracked onto the highway shall be cleaned immediately or all operations shall cease. It shall also be the applicants responsibility to maintain the site in a neat and orderly manner at all times.
5. Care must be taken not to place fill on neighboring property.
6. Couse Lane was never built to carry heavy truck traffic, care must be taken not to overload this road.

The motion was passed by the following vote:

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

-----

Next was a request from Kenneth Hahn, Receiver of Taxes & Assessments, to make refunds of overpayment of water bills for the month of May totaling \$5.43.

422

Overpayment  
of Water  
Rents  
May, 1991

The motion was made by Mr. Webster and seconded by Mr. Gunner that refunds of overpayment of water rents for the month of May in the amount of \$5.43 be made to persons whose names appear on the list furnished by the Receiver of Taxes & Assessments and on file in the office of the Town Clerk. The motion was passed by the following vote:

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

Next was a recommendation from Martin Cross, Superintendent of Highways, to award the bid for Washed, Crushed Stone to Callanan Industries.

May 30, 1991

Bethlehem Town Board  
445 Delaware Avenue  
Delmar, NY 12054

Dear Board Members:

On May 15, 1991, the Town advertised for bids to purchase washed crushed stone for use by the various departments within the Town. Bids were solicited from four suppliers with three bids being received from Scotia Sand & Stone Co., Cushing Stone Co. and Callanan Industries on May 28, 1991.

After careful review of all bids, I find Cushing Stone to have submitted the low bid, per ton, on all items. However, their prices are FOB town trucks at their quarry site, which is located in Amsterdam, New York. According to our specifications, the Town reserves the right to add to the amount of the bid, the estimated trucking costs in determining the ultimate low bidder. When compared to Callanan Industries, the second lowest bidder, located in South Bethlehem, it would cost substantially more per ton to haul the stone from Amsterdam rather than from a quarry located within our town.

In addition, Callanan Industries' prices per ton remained the same as in 1990, when they were the successful bidder.

Therefore, I find it in the best interest of the Town to award the contract for washed crushed stone to Callanan Industries of South Bethlehem, New York.

Very truly yours,  
/s/ Martin J. Cross  
Superintendent of Highways

Councilman Gunner asked this clearly takes care of the discussion we had on this previously. Supervisor Ringler indicated, Yes, we rebid it as you recall with additional specs to cover that.

Councilman Webster indicated that it would be over \$1.50 to transport it alone per ton, right. Supervisor Ringler responded, right.

The Supervisor asked if there were any other questions.

Award Bid  
Washed  
Crushed  
Stone

The motion was made by Mr. Gunner and seconded by Mr. Webster that the bid for Washed, Crushed Stone for 1991 be and it hereby is awarded to Callanan Industries, Inc., South Bethlehem, NY per the specifications dated May 28, 1991. The motion was passed by the following vote:

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

The Supervisor next acknowledged receipt of the Conditional Approval of Final Plat for DEVONSHIRE HILLS, SECTION 1 Subdivision from the Planning Board for information.

Conditional Approval of Final Plat For Devonshire Hills, Section 1

-----

Supervisor Ringler also acknowledged receipt of the Final Plat Approval for a one lot subdivision for RONALD J. WILLIAMS from the Planning Board for informational purposes.

Final Plat One Lot Subdivision Ronald J. Williams

-----

Next was a request from Bruce H. Secor, Commissioner of Public Works, for reduction of bonding for the Quail Hollow Subdivision.

MEMORANDUM

TO: Members of the Town Board  
FROM: Bruce H. Secor, Commissioner of Public Works  
DATE: June 4, 1991  
SUBJECT: Quail Hollow Subdivision - Request for Reduction of Bonding

Reduction of Bonding Quail Hollow Subdivision

Paulsen Realty Trust has completed a substantial amount of the construction work in the Quail Hollow Subdivision. Quail Hollow Builders, Inc. are requesting a reduction in bonding which is currently \$149,000.00 secured by a Letter of Credit #0-281 from First American Bank of New York issued October 23, 1990.

Based on review of the work completed in the field and with the concurrence with the Highway Superintendent, we recommend that the bonding be reduced to an amount of \$47,000.00.

The expiration date of the new Letter of Credit should expire one year from the date of issuance.

If you have any questions or need additional information feel free to contact me.

The motion was made by Mr. Gunner and seconded by Mr. Webster that as recommended by Bruce H. Secor, Commissioner of Public Works, with the concurrence of the Highway Superintendent and in view of the substantial amount of construction work completed by Paulsen Realty Trust in the Quail Hollow Subdivision the bonding in the amount of \$149,000.00 secured by Letter of Credit #0-281 from First American Bank be reduced to \$47,000.00 with the understanding that a new Letter of Credit in this amount be received with an expiration date of one year from the date of issuance. The motion was passed by the following vote:

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

-----

Next was a request from Bruce H. Secor, Commissioner of Public Works, for reduction of the bonding for Windham Hill Subdivision.

Reduction of Bonding Windham Hill Subdivision

MEMORANDUM

TO: Members of the Town Board  
FROM: Bruce H. Secor, P.E., Commissioner of Public Works  
DATE: June 6, 1991  
SUBJECT: Windham Hill Subdivision - Request for Reduction of Bonding

H.M.K. Associates has completed a substantial amount of the construction work in the Windham Hill Subdivision. Jerry Keneally is requesting a reduction in bonding which is currently \$40,000.00 secured by a Letter of Credit #S054 from First Vermont Bank issued April 10, 1990.

Based on review of the work completed in the field and with the concurrence with the Highway Superintendent, we recommend that the bonding be reduced to an amount of \$20,000.00.

424

The expiration date of the new Letter of Credit should expire one year from the date of issuance.

If you have any questions or need additional information, feel free to contact me.

c: Martin Cross, Highway Superintendent  
File

The motion was made by Mr. Webster and seconded by Mrs. Fuller that in accordance with the request of Bruce H. Secor, Commissioner of Public Works, with the concurrence of the Highway Superintendent and in view of the substantial amount of work completed by H.M.K. Associates in the Windham Hill Subdivision, the bonding currently in the amount of \$40,000.00 secured by Letter of Credit #S054 from First Vermont Bank be reduced to an amount of \$20,000.00 with the understanding that a new Letter of Credit for this amount be received to expire one year from the date of issuance. The motion was passed by the following vote:

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

-----

Appoint  
Parks &  
Recreation  
Seasonal  
Personnel

The next item on the agenda was a request from David Austin, Administrator of Parks & Recreation Department, for appointment of Seasonal Personnel.

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

Johna Sodergren  
22 Sheffield Drive  
Delmar, NY 12054

Leslie MacDowell  
13 Salisbury Road  
Delmar, NY 12054

Jonathan Cooke  
77 Fairlawn Drive  
Selkirk, N Y 12158

Michael Kohler  
27 Placid Lane  
Glenmont, NY 12077

Recreation Instructor I at a rate of \$5.10 per hour.

John McCarthy  
48 Dumbarton Drive  
Delmar, NY 12054

Senior Recreation Program Director at a rate of \$8.60 per hour.

Sharon L. Felson  
13 Tamarack Drive  
Delmar, NY 12054

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

Kathryn Dorgan  
331 Delaware Turnpike  
Delmar, NY 12054

Councilman Gunner indicated to David Austin that he knew that he ran his programs with a lot of part-time people, do we get revenue for a lot of these programs that these people are hired for. David Austin responded that the summer personnel costs are approximately \$200,000.00, and they take in about \$170,000.00 for the summer, so it is actually only costing us about \$30,000.00 for the whole summer.

The motion was made by Mrs. Fuller and seconded by Mr. Webster that at the request of David Austin, Administrator of Parks & Recreation Department, the above-named personnel be and they hereby are appointed to serve at the pleasure of the Town Board and at the recommended rates of pay. The motion was passed by the following vote:

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

The Supervisor asked if there was further discussion. There was none.

-----

Next was a recommendation from Bruce Secor, Commissioner of Public Works, for acceptance of a highway deed and easements in the Indian Hills Subdivision from Belmonte Builders, Inc. pending approval of the Town Attorney

Acceptance of Highway Deed Under Bond and Easements Indian Hills Subdivision

MEMORANDUM

TO: Members of the Town Board  
FROM: Alan K. Riedel, P.E., Engineering Dept.  
DATE: June 7, 1991  
SUBJECT: Certain Highways and Easements in "Indian Hills" Subdivision Section No. 2

The Town has received one (1) Deed Document from Peter Belmonte Builders, Inc., in the "Indian Hills" Subdivision Section No. 2.

The descriptions of the several parcels described in this document have been compared with their delineation on a map entitled, "Lot Layout Section No. 2 Indian Hills - Property of Belmonte Builders, Inc." dated September 12, 1989, Revision No. 6 as revised 4/12/91 and made by Edward W. Boutelle & Son, Civil Engineers & Surveyors, and found to be in conformance.

The parcels of land being conveyed to the Town are as follows:

- 1.) Mohawk Trail - an extension of an existing Town highway, northerly from the Niagara Mohawk Power Corp. R.O.W. to Russell Road, an existing County Highway - a distance of some 1030 feet, this Deed also includes a small portion of two new Town highways, namely Onondaga Court for a distance of 50 feet and Seneca Court for a distance of some 46 feet.
- 2.) Three Additional Parcels of Land to provide an area for the fill required to support Mohawk Trail and to provide the land where a large culvert crosses Mohawk Trail. One of these parcels is on the west side of Mohawk Trail just south from Russell Road, while the other two are on the west and on the east of Mohawk Trail as it crosses the large stream through the area.

The parcels of land being granted to the Town for Drainage Easements, encompass an area to the west of Mohawk Trail in which a large ravine and stream are located, along with an area between Mohawk Trail and the New York State Thruway in which several ravines and several small streams are located in addition to the large stream through this area.

In all the Town is being asked to accept a total of 1126 feet of new highway in addition to the Storm Drainage Easements.

No work has been started on this development and the Town has estimated that there is some \$350,000 worth of work to be done and Belmonte Builders, Inc. will be required to furnish the Town with a Bond or Letter of Credit for this amount.

In addition Belmonte Builders, Inc. shall enter into an agreement with the Town pursuant to which Belmonte Builders, Inc. agrees to be responsible for the payment of all costs, expenses, and liabilities for the Road Crossing Easement over lands of Niagara Mohawk Power Corp. to connect Section No. 1 and Section No. 2 of the Indian Hills Subdivision - see attached letter from the Town to Michael Smith, Esq. and the attached letter back to the town from Geoffrey J. Cannon concerning said Niagara Mohawk Easement.

Provided the Town Attorney has approved these various documents, the Completion Bond and the Insurance Policy, no reason is evident which would prevent their acceptance by the town and such acceptance is hereby recommended.

426

Should the Town accept these documents, they should be recorded in the Albany County Clerk's Office as soon as it is convenient.

The motion was made by Mr. Gunner and seconded by Mrs. Fuller that a highway deed under bond in the amount of \$350,000.00 represented by Irrevocable Standby Letter of Credit No. S100913 drawn on Key Bank of Eastern New York N.A. for an extension of an existing Town highway northerly from the Niagara Mohawk Power Co. R.O.W. to Russell Road, an existing County Highway, a distance of some 1030 feet, a small portion of two new Town highways, namely Onondaga Court for a distance of some 50 feet and Seneca Court for a distance of some 46 feet as well as easements to provide fill required to support Mohawk Trail and to provide the land where a large culvert crosses Mohawk Trail, as approved by the Department of Public Works and the Town Attorney and provided by Belmonte Builders, Inc. be and it hereby is accepted. The motion was passed by the following vote:

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

Councilman Webster asked if we had covered the question in the letter from Roemer And Featherstonhaugh about the liability on the Niagara Mohawk property. Mr. Secor responded that there should have been in their package a proposed agreement which would assignable to Belmonte to co-insure the Town and hold us harmless. Councilman Webster indicated that this was in the package received tonight but he did not get a chance to read it. Mr. Secor stated that it did come in later but they drafted that up and it was in response to that letter. Councilman Webster indicated OK fine.

Mr. Secor continued in conjunction with that and he did not know if it was a separate motion, since there is an agreement he thought we might need authorization for the Supervisor to sign that agreement with Belmonte Builders for that indemnification.

The motion was made by Mr. Webster and seconded by Mrs. Fuller to authorize the Supervisor to sign that document, pending approval of the Town Attorney and his recommendation. The motion was passed by the following vote:

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

-----

Dumping  
Permit  
Richard &  
Marilyn  
Stangle

Next was a request from John Flanigan, Building Inspector, for approval of a Dumping Permit for Richard and Marylyn Stangle on South Albany Road in South Bethlehem.

MEMORANDUM

TO: John Flanigan, Senior Building Inspector  
FROM: Charles Wickham, Jr., Engineering Dept.  
DATE: June 7, 1991  
SUBJECT: Dumping Permit  
Richard and Marilyn Stangle  
191 South Albany Road, Selkirk

I have reviewed the application dated June 6, 1991 and visited the site. Based on my observations, I recommend the following conditions be a part of the permit if approved.

- 1.) All fill shall consist of dirt and broken pavement. No other construction material will be allowed.
- 2.) All new side slopes shall be placed no steeper than 1' vertical on 3' horizontal.
- 3.) As soon as any portion of the filling is completed, that area shall be graded to allow for proper drainage and then seeded to minimize wind and rain erosion.
- 4.) All material traced onto the highway shall be cleaned immediately or all operations shall cease. It shall be the

applicant's responsibility to maintain the site in a neat and orderly manner at all times.

- 5.) Care must be taken not to place fill on neighboring property.

The motion was made by Mr.Gunner and seconded by Mr. Webster for a Dumping Permit to be issued to Richard and Marilyn Stangle for a period of one year to dump the contents of bridge construction in the area consisting of concrete blacktop with the following conditions:

- 1. All fill shall consist of dirt and broken pavement. No other construction material will be allowed.
- 2. All new side slopes shall be placed no steeper than 1' vertical on 3' horizontal.
- 3. As soon as any portion of the filling is completed, that area shall be graded to allow for proper drainage and then seeded to minimize wind and rain erosion.
- 4. All material tracked onto the highway shall be cleaned immediately or all operations shall cease. It shall be the applicants responsibility to maintain the site in a neat and orderly manner at all times.
- 5. Care must be taken not to place fill on neighboring property.

The motion was passed by the following vote:

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

Supervisor Ringler indicated that he would next entertain a motion to conduct an Executive Session at the end of this meeting to discuss a contractual matter.

The motion was made by Mr. Gunner and seconded by Mr.Webster that the Town Board meeting in Executive Session following the close of the regular meeting to discuss a contractual matter. The motion was passed by the following vote:

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

The Supervisor asked if there was anything that anyone else would like to bring to the attention of the Town Board this evening.

Councilman, Charles A. Gunner, indicated that monthly they receive these reports from our Recreation Director and he reads them through and has not heard any comments, but he just wanted to say that they were appreciated. Mr. David Austin thanked Councilman Gunner. Supervisor Ringler stated that he pumps a lot of people through those facilities and Councilman Gunner agreed. He indicated that every once in a while someone asked him well what do we do out there and he just gives them a copy of the report, and bang that does it. Councilwoman Fuller indicated that he also keeps our youth employed for the summer.

Supervisor Ringler thanked Councilman Gunner.

The motion was made by Mr. Webster and seconded by Mr. Gunner to adjourn the Town Board meeting at 8:27 p.m. The motion was passed by the following vote:

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

No formal action was taken at the Executive Session.

*Carolyn M. Lyons*  
 Town Clerk

Executive Session