

TOWN BOARD
OCTOBER 10, 2007

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 6:00 p.m.

PRESENT: John H. Cunningham, Supervisor
Daniel Plummer, Councilman
Samuel Messina, Councilman
Kyle Kotary, Councilman
Joann V. Dawson, Councilman
Kathleen A. Newkirk, Town Clerk
James T. Potter, Esq., Town Attorney

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Supervisor Cunningham welcomed everyone to a regular meeting of the Bethlehem Town Board and invited them to join in the pledge of allegiance.

The Supervisor asked if there was any public comment on agenda items. Mrs. Marie Capone said there is nothing on the agenda, let's move on.

Supervisor Cunningham said the first item is a request from Louis Corsi, Chief of Police, for approval of appointment of Gerald N. Young to the position of Police Officer effective October 14, 2007.

The motion was made by Mr. Plummer and seconded by Mrs. Dawson to approve the appointment of Gerald N. Young, Troy, New York to the position of Police Officer, effective October 14, 2007 as requested by Chief of Police, Louis Corsi. The motion was passed by the following vote:

Ayes: Mr. Cunningham, Mr. Plummer, Mr. Messina, Mr. Kotary, Mrs. Dawson.
Noes: None.
Absent: None.

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The Supervisor introduced Officer Young to the audience and said he met Gerald and it is a lateral move from the City of Troy Police Department. He said he is a highly qualified officer and comes highly recommended. He congratulated Officer Young.

The next item was a request from Nan Lanahan, Administrator, Parks and Recreation Department, for approval of appointment of seasonal personnel.

The motion was made by Mr. Plummer and seconded by Mr. Kotary to approve the appointment of seasonal personnel as listed on the Memorandum dated October 10, 2007 from Nan Lanahan, Administrator, Parks and Recreation Department at the titles and salaries listed. The motion was passed by the following vote:

Ayes: Mr. Cunningham, Mr. Plummer, Mr. Messina, Mr. Kotary, Mrs. Dawson.
Noes: None.
Absent: None.

The following item was a request from Town Engineer, Erik Deyoe, for approval to set public hearing for proposed Local Laws relating to Stormwater Management and Determination of Lead Agency with regard to SEQR regulations.

The motion was made by Mrs. Dawson and seconded by Mr. Messina to approve setting a public hearing to consider Proposed Local Laws establishing a new section in the Town Code of the Town of Bethlehem relating to Stormwater

Management for November 14, 2007 at 6:15 p.m. The motion was passed by the following vote:

Ayes: Mr. Cunningham, Mr. Plummer, Mr. Messina, Mr. Kotary, Mrs. Dawson.

Noes: None.

Absent: None.

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Resolution No. 22

TOWN BOARD
TOWN OF BETHLEHEM

SEQR RESOLUTION

PROPOSED LOCAL LAW OF THE YEAR 2007

STORMWATER MANAGEMENT

WHEREAS, The Town Board of the Town of Bethlehem as part of it's Phase II SPDES General Permit for Stormwater Discharge from Municipal Separate Storm Sewer Systems is mandated by the NYSDEC as a permit condition to enact local laws which will prohibit illicit discharges and; require the development and implementation of erosion and sedimentation controls for land development within the Town, which includes construction site and post-construction stormwater runoff control regulatory mechanisms.

WHEREAS, the Town Board of the Town of Bethlehem is considering adoption of Local Law No. ___ of the Year 2007 that would provide regulatory mechanism for dealing with stormwater management and,

WHEREAS, the Town Board has received a Long Environmental Assessment Form ("LEAF") for the proposed action completed by the Town Engineering Division; and,

WHEREAS, the State Environmental Quality Review Act (SEQRA) regulations found at 6 NYCRR Part 617.3(a) require that no agency shall carry out, fund, or approve an action until it has complied with the requirements of SEQRA; and,

WHEREAS, 6 NYCRR 617.6(a) requires that when an agency receives an application for approval of an action it must: (1) determine whether the action is subject to SEQRA, (2) determine whether the action involves a federal agency, (3) determine whether other agencies are involved, (4) make a preliminary classification of the action, (5) determine whether a short or full EAF will be used to determine the significance of the action, and (6) determine whether the action is located in an Agricultural District; and,

WHEREAS, 6 NYCRR 617.6(b)(1) indicates that when a single agency is involved, that agency will be the lead agency when it proposes to undertake, fund, or approve a Type I or Unlisted action; and,

NOW, THEREFORE, BE IT RESOLVED,

that the Town Board hereby determines that:

- 1) adoption of the proposed local law constitutes an Type 1 action which is subject to SEQRA,
- 2) the proposed action does not involve a federal agency or any other agency,
- 3) the proposed action is not located in, or within 500 feet of, an Agricultural District and, therefore, is not subject to the provisions of the Agriculture and Markets Law,
- 4) a long EAF is adequate for determining the significance of the proposed action, and;

BE IT FURTHER RESOLVED,

that the Town Board hereby declares it is lead agency with respect to SEQRA review of the proposed action, and;

On a motion by Mr. Messina, seconded by Mr. Kotary, and by a vote of 5 for, 0 against, 0 abstention, and 0 absent, this RESOLUTION was adopted on October 10, 2007.

The Supervisor noted there was an additional item to set a public hearing for the Agency Plan for 2008 for the Section 8 Housing Voucher Choice Program for December 12, 2007 at 6:15 p.m.

The motion was made by Mr. Kotary and seconded by Mr. Messina to approve setting a public hearing with regard to the Agency Plan for 2008 for the Section 8 Housing Voucher Choice Program for December 12, 2007 at 6:15 p.m. The motion was passed by the following vote:

Ayes: Mr. Cunningham, Mr. Plummer, Mr. Messina, Mr. Kotary, Mrs. Dawson.

Noes: None.

Absent: None.

The following item was a presentation by Commissioner of Public Works, Josh Cansler, updating the status of the water supply system for the Town of Bethlehem.

Commissioner Cansler said an update on the water supply system for the Town of Bethlehem is based on a question by Mr. Jasinski at the last Town Board meeting regarding the water levels out at the Vly Creek Reservoir. He said he was going to give a quick update on the water system here.

Mr. Cansler said the first thing was where our water comes from. He said a lot of people just open their taps and water comes out and they are happy for the most part or at least he hopes they are happy. The water comes from the Vly Creek Reservoir, Mr. Cansler said, which is in the Town of New Scotland in New Salem. He said it holds about 1.2 billion gallons of water and we are allowed to get 3 million gallons a day out of the Vly Creek Reservoir which is mandated by DEC. He said that is the maximum they can get out of the reservoir.

Mr. Cansler said there are 2 wells close by the reservoir and they bring up ground water and they are allowed to get 4 million gallons a day from those 2 wells. He said it is ground water that goes straight into the distribution system where it gets chlorinated and goes straight into the distribution system.

Mr. Cansler said water from the Vly Creek Reservoir on the other hand goes to the New Salem plant which is right next to the Reservoir and it gets chlorinated, goes through some other treatment and then it gets sent down the main line and into the Town of Bethlehem. He said from there it goes into all the water main lines and goes out to the houses. He said that is where most of the drinking water comes from if you live in the Town of Bethlehem.

Commissioner Cansler said we also have 2 interconnects with the City of Albany and that is where additional water is obtained if more drinking water is needed. He said sometimes during the summer we do get water from the City of Albany. He said between the 2 -- the 2 wells, the Vly Creek Reservoir -- and the interconnect with the City of Albany, that is where all the drinking water comes from.

Mr. Cansler said there is also the Clapper Road plant in the southern end of Town which provides water that comes out of the well fields down near the Hudson River for industrial use in the south part of Town.

Mr. Cansler said Mr. Jasinski's question the last Board meeting was specifically regarding the reservoir level out at the Vly Creek Reservoir. He said the yellow line is when the reservoir is full, it's about 395 feet in elevation from sea level and noted the reservoir is not that deep. He said the blue line represents the seasonal averages of where the reservoir is based on an average yearly basis. He said as can be seen, generally, in January it is about 386-387 feet and as the spring thaws happen and we get rain, it peaks at about 391-392 feet and then as water increases throughout the summer and the rain decreases, it drops down before starting all over again.

Commissioner Cansler said you can see that this is where we are for this year and for most of the year we were well above the seasonal averages. He said when you drop down and the seasonal rain fell off it came down. He said we are above the seasonal averages and we do not have any issues with the reservoir. He said that is where most of the water comes from.

Mr. Cansler said there are other lines but they represent water levels where we would have a problem if we got down that far. He said that area would result in some kind of water rationing or something like that. He said maybe reducing the number of hours you can water your lawn through the day. The other line would mean we cut out all watering, Mr. Cansler said. He said this is where we are at at the Vly Creek Reservoir.

Mr. Cansler said the 2 wells out there are continuously operating and produce the same amount of water every day. He said you can't really get into the levels there.

Mr. Cansler said the last slide did not come out too good but the future here in Bethlehem is that we are pretty well off here in the Town. He said the northeast as a whole is pretty well off when you compare us to the rest of the United States. He said we have an ample supply and the communities around us – Albany and Coeymans and Guilderland – all have ample supplies. He said there is an interconnect with Guilderland and Albany so for some reason if we run a little short one year, we do have a basis or means for getting additional water from other towns.

Mr. Cansler said the northeast as a whole is pretty well off. He said he has lived in several places who are not as well off and he personally has gone through water rationing in his life. He said in California they were limited to 50 gallons per day per person. He said that is really just a long shower. He said when he lived in Japan a long time ago, they cut off the water every other day.

Mr. Cansler said we do have it pretty good. He said if you look at the rest of the United States, there are a lot of problems. He said he put a quote down and it says water will be as valuable as oil in this millennium. He said some of the stock groups and investment firms refer to water as blue gold of this millennium. He said according to the industry experts water usage will increase about 70 percent over the next 25 years in the U.S. He said that is a pretty significant increase but it is nothing compared to what it is going to be in the rest of the world. He said global demand is expected to grow by 20 percent annually.

Mr. Cansler said it is not all good news because we do have an aging infrastructure and they are looking at some programs to improve the infrastructure. He said they have improved a couple of the lift stations throughout the last year and they are constantly improving the water lines. He said there are issues to be looked at over the next year as far as infrastructure. He said that is all he had on the update.

Supervisor Cunningham thanked Commissioner Cansler. Councilman Kotary said he had a question on the 3 million gallons a day at Vly Creek Reservoir. He asked why there is a limit on that. Commissioner Cansler said it is his understanding that it is based on what the capacity of the reservoir is to recharge itself. Mr. Kotary thanked Commissioner Cansler.

Supervisor Cunningham said the next meeting will be October 24, 2007 with a public hearing on the Tentative 2008 Town Budget at that time. He said the roundabouts are getting closer to being open. He said the New Scotland Avenue and Cherry Avenue roundabout is partially open. He said if anyone wants to experience a partial roundabout the experience can be obtained there.

The Supervisor noted this week is Fire Prevention Week encouraging everyone to check their smoke detectors at home and follow the fire prevention programs.

Supervisor Cunningham said on Monday the Vista Technology Park unveiling ceremony at 11 a.m. at the location. He said there will be more about that as it happens.

The Supervisor said this month is local history month and Susan Leath, Town Historian, has done a local history exhibit over at the Town Library in the local history exhibit room. He encouraged everyone to go to the library and see the exhibit.

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The next item was for public comment on non-agenda items. Mrs. Marie Capone said she did not think there would be much tonight. She said since quite a few years between Delaware Avenue and Borthwick there is always water. She said the time is going to come that it will be ice and she does not want to depend always upon a Town Board Member to help her out. Thank you and do something about it.

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The Supervisor asked if there were any other comments. There were none.

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The Supervisor asked for a motion to adjourn to Executive Session to discuss matters that involve possible litigation.

The motion was made by Mr. Plummer and seconded by Mrs. Dawson to approve meeting in Executive Session following the close of the regular Town Board meeting to discuss matters that involve possible litigation. The motion was passed by the following vote:

Ayes: Mr. Cunningham, Mr. Plummer, Mr. Messina, Mr. Kotary, Mrs. Dawson.
Noes: None.
Absent: None.

The motion was made by Mr. Plummer and seconded by Mrs. Dawson to adjourn the regular Town Board meeting at 6:15 p.m. p.m. The motion was carried by the following vote:

Ayes: Mr. Cunningham, Mr. Plummer, Mr. Messina, Mr. Kotary, Mrs. Dawson.
Noes: None.
Absent: None.

Town Clerk

EXECUTIVE SESSION

There was no formal action taken at the Executive Session.