

# TOWN OF BETHLEHEM

## TOWN BOARD AGENDA

Wednesday, October 27, 2010  
6:00 PM



*Town Supervisor*

***Sam Messina***

*Town Board Members*

***Joann Dawson***

***Mark Hennessey***

***Mark Jordan***

***Kyle Kotary***

Public comments on agenda items

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6:00 Public Hearing - 6:00 - Town of Bethlehem 2011 Tentative Budget

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Approval of Town Board Minutes for October 13, 2010

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Permission for the Justice Court, Resolution To Authorize The Town Of Bethlehem To Apply For A Grant Through the Justice Court Assistance Program (JACP)

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Request from Commissioner of Public Works to set a Public Hearing for 2011 Sewer Tax Rolls

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Request from the Administrator of Parks and Recreation for approval of a resolution to spend \$27,900 from the Parkland Setaside fund to satisfy our match for a NYS DEC grant to construct an accessible fishing platform at Henry Hudson Park

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Request from the Administrator of Parks and Recreation for approval of seasonal personnel

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Recommendation of the Supervisor to appoint Dianne Kansas to the Bethlehem 20/20 Implementation Committee

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Request from Town Engineer to award a contract for the Henry Hudson Park Fishing Platform Project to the Dock Doctors for \$93,900 and authorize the Supervisor to execute a contract for this work

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Town Board Agenda (continued)

New Business

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Public comments on non-agenda items

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**NEXT TOWN BOARD MEETING – Wednesday, November 10, 2010**

*Disabled individuals who are in need of assistance in order to participate should contact the Town Clerk's Office at 439-4955 Ext. 1183. Advanced notice is requested.*

1 **Town Board**  
2 **October 13, 2010**

3  
4 A regular meeting of the Town Board of the Town of Bethlehem was held on the above date at the Town Hall,  
5 445 Delaware Avenue, Delmar, NY. The meeting was called to order by the Supervisor at 6:00PM.

- 6  
7 PRESENT: Samuel Messina, Supervisor  
8 Joann Dawson, Councilwoman  
9 Mark Hennessey, Councilman  
10 Mark Jordan, Councilman  
11 Kyle Kotary, Councilman  
12 Nanci Moquin, Town Clerk  
13 James T. Potter, Esq., Town Attorney

14  
15 Supervisor Messina called the meeting to order and lead the Pledge of Allegiance.

16  
17 **PUBLIC COMMENT ON AGENDA ITEMS**-----  
18

19 No Comments

20  
21 **PUBLIC HEARING – FUTURE WATER SUPPLY ALTERNATIVES FOR THE TOWN OF**  
22 **BETHLEHEM**

23  
24 A motion to indent the public hearing notice and the affidavit of publication was offered by Councilwoman  
25 Dawson, seconded by Councilman Jordan and approved with the following vote:

- 26  
27 AYES: Supervisor Messina, Councilwoman Dawson, Councilman Hennessey, Councilman Jordan, Councilman  
28 Kotary  
29 NAYES: none  
30 ABSENT: none

31  
32 NOTICE OF PUBLIC HEARING  
33 TOWN OF BETHLEHEM, ALBANY COUNTY  
34

35 NOTICE IS HEREBY GIVEN that the Town Board of the Town of Bethlehem, Albany County, New  
36 York will hold a public hearing on October 13, 2010 at 6:00 p.m. at the Town Hall, 445 Delaware Avenue,  
37 Delmar, NY to consider Future Water Supply Alternatives.

38 All parties in interest and citizens will have an opportunity to be heard at the said hearing.  
39 Individuals with disabilities who are in need of an accommodation in order to participate should contact  
40 the Town Clerk’s office at 439-4955, Ext. 1183. Advanced notice is requested.

41 BY ORDER OF THE TOWN BOARD  
42 TOWN OF BETHLEHEM

43  
44 Nanci Moquin  
45 TOWN CLERK

46  
47 Dated: September 23, 2010

48  
49 **STATE OF NEW YORK) SS:**  
50 **COUNTY OF ALBANY)**

51  
52 Nanci Moquin, being duly sworn, deposes and says that she is the Town Clerk of the Town of  
53 Bethlehem, Albany County, New York and the attached Legal Notice was published in the Town’s legal  
54 newspaper, The Spotlight, on September 29, 2010 and that I posted the Notice of Public Hearing on September  
55 23, 2010 on the sign board of the Town maintained pursuant to subdivision six of Section thirty of the Town  
56 Law.

57  
58 Nanci Moquin  
59 Town Clerk

60  
61 Sworn to before me this  
62 25 day of October, 2010.

63  
64 Julie Sagendorph  
65 Notary Public  
66  
67

68 The presentation for the Future Water Supply Alternatives was given that was given on September 22, 2010 and  
69 September 8, 2010.

70  
71 Supervisor Messina opened the public hearing to comments form the audience.

72  
73 Paul Penman. Town Engineer: I would like to read a letter received from Tom Brady, from the Albany County  
74 Health Department:

75  
76 “ Mr. Deyoe, in a recent conversation you asked me to summarize the role that the Albany County Health  
77 Department has to insure the quality and safety of the potable water, delivered to the homes and residents of  
78 Bethlehem.

79  
80 One role of the Albany County Health Department is to insure that all public water systems including  
81 Bethlehem’s New Salem and Clapper Road systems follow the regulations of the Federal Safe Drinking Water  
82 Act and New York State’s water regulations. These regulations require that finished water exiting any water  
83 plant and delivered to homes is annually tested for over one hundred and fifty parameters. Many of these  
84 parameters are checked daily. Copies of all results are forwarded to this office.

85  
86 The Clapper Road water treatment plant has had its water monitored and tested since the mid 1900’s when it  
87 was constructed and put into service. One group of compounds tested for at the Clapper Road plant are  
88 Principal Organic Compounds (POCs). These include chemicals like Benzene and Xylene. Since 1996 all 54  
89 POCs have been absent from the Clapper Road finished water. Another group of monitored compounds are the  
90 Synthetic organic Compounds (SOCs). These include pesticides, herbicides and PCBs. Since 1996 none of the  
91 forty five (45) SOCs, including PCBs has ever been detected in the Clapper Road finished water. All other  
92 parameters tested for have been either not detected in the Clapper Road finished water. All other parameters  
93 tested for have been either not detected or well below the safe levels established by the Environmental  
94 Protection Agency (EPA) and New York State.

95  
96 It is this office’s position that the finished water delivered from the Clapper Road Water Treatment Plant is as  
97 safe or safer than any other water in Albany County. There is absolutely no reason to believe that the plant’s  
98 excellent water quality will change in the Future.

99  
100 We would like this letter to be added to any public record as our official comment on the issue.”

101  
102 Thomas J. Brady, Assistant Director, Division of Environmental Health Services

103  
104 Ted Jennings, River Road: I missed something, it was an excellent presentation but it wasn’t quite clear. There  
105 is a long track record of the supply from New Salem. I don’t know the extent of the track record for the wells  
106 along the river and what the speculation is or the supply is down there to meet all the presumptions that seemed  
107 to have gone into the presentation. The first set of wells, the infiltration part, didn’t work. I believe that the ones  
108 that are there now are working up to a certain level but I’m not sure how confident we are that we’re going to  
109 get all the water which we promised ourselves from that source. I would appreciate a comment.

110  
111 Josh Cansler: You’re right the infiltration gallery did not perform as was expected and that’s shy the eleven  
112 wells were added down there about seven, eight years ago. Those wells work fine, they produce quite a bit of  
113 water. They produce at least six million gallons per day. We can’t treat six million gallons per day that’s what  
114 the plant was designed for. So the wells are not an issue with the Clapper Road plant. The plant was designed to  
115 treat six million gallons per day so if the wells continue to produce at least six million gallons than we’re fine.  
116 Obviously if we decided we wanted to expand the plant to twelve million gallons than we would have to relook  
117 at the wells and make sure that they would be capable of that. I see no reason at this point that they would not  
118 but I assume that would be something that would be studied if we expanded the plant.

119  
120 Mr. Potter, Town Attorney: One other thing that is relevant to that is several years ago the Town entered into a  
121 settlement with Earth Tech, which was one of the companies that designed the Clapper Road plant and the  
122 infiltration gallery. That provided that they would guarantee at least six million gallons per year for a total of  
123 thirteen point five years. There’s a question about, there is dispute between the Town and Earth Tech as to when  
124 that thirteen point five year period starts but under any count we have at least five years of a guarantee from  
125 Earth Tech. It would be their obligation if the wells did not yield six million gallons to provide that supply  
126 through some other source, perhaps through a purchase form the City of Albany.

127  
128 Peter Anderson, 31 Old School Road, Selkirk. I’m one of the people that have been drinking the Clapper Road  
129 water since 2002, 2003. I do monitor the yearly reports that are sent out from Clapper Road, New Salem and the  
130 City of Albany. As Malcolm Pirnie indicated they all meet water standard quality and I believe the plan outlined  
131 by Malcolm Pirnie seems to be the best. I do have some reservations on buying water from the City of Albany.  
132 If I recall, several years ago, there was a situation where Delaware Avenue wanted to move down to the creek  
133 and almost took out the Albany water line down there. That would have significantly interrupted the supply, not

134 only for Albany but I also believe for Bethlehem. What I wanted to know is when the Albany water system has a  
135 problem on their line, does Bethlehem still draw their water or are they..  
136

137 Josh Cansler: If Albany has a problem on their line, obviously it affects us. One thing that we haven't  
138 discussed in this presentation is Albany has the advantage of the Loudonville reservoir that provides them with  
139 eleven (11) days supply should their line fail. So it would give them eleven (11) days to repair it. We don't  
140 have that. So if there was a failure in their system and it went more than three or four days, it would have a  
141 significant impact on us. We wouldn't be receiving water from the Loudonville reservoir, we receive our water  
142 early on in the line.  
143

144 Peter Anderson: I know the Albany water system infrastructure is from the Alcove Reservoir to the water  
145 treatment plant and from the plant to the City is well over one hundred (100) years old. I do live very close to  
146 that water line and I have seen some ruptures in that line. I just believe that one of these days something is going  
147 to happen on that line where it will be a week before they get it back up. Also I believe that Albany is looking  
148 into replacing that line at some point in time and that will be a very expensive proposition.  
149

150 Josh Cansler: I heard that they planned on replacing that too but they haven't discussed with us. Issues they  
151 have with the line are a concern of ours as we addressed earlier in the presentation. Those are good points  
152 you're bringing up and certainly concerns that we have.  
153

154 Peter Anderson: I would like to recommend to the Town Board that they go with option three as recommended.  
155

156 Councilwoman Dawson: Among some of the recommendations that we have received in the last few weeks was  
157 the idea or question of whether we were planning on building additional storage capacity. That's seems to be  
158 coming up that Albany has 10/11 days and we have 3. Is additional storage capacity included in any of the  
159 proposals we were given?  
160

161 Eric Deyoe: At this point no and the reason for that is the issue with respect to the disinfection byproducts. As  
162 you put more storage in your system, your water is in your system for a longer period of time and that longer  
163 period of time creates more opportunity for those byproducts to compound and generate. Our storage at 3 to 4  
164 days is perfectly within normal system design guidelines and we don't see a big risk there over the long haul so  
165 we don't have anything planned to add storage to our system immediately.  
166

167 Christo Zemerling, 44 Hasgate Dr: I am a big customer as I have two children who drink the water which is  
168 greatly important to me. I'm also a big customer because I am the general manager of the plastics plant on  
169 Creble Road. We use almost a million gallons of water per day. I studied the proposal very carefully because  
170 there is a lot at stake, not just because of the quality and the fact that my family drinks the water but also  
171 because I am responsible for 420 jobs in this area. If you would not go for the recommended option, I did a  
172 rough calculation, it would increase the water bill for our plant almost \$300,000. So it is going to make it a lot  
173 more difficult for us to stay competitive. We compete with other companies. I also ran the quality thing that we  
174 get from our own experts and engineers. There is absolutely no issue, so I strongly support the third option. I  
175 also thought hard how to explain to my kids everything we heard tonight. I can't take an hour and a half because  
176 they don't have that attention span. Here's how I see it, if Bethlehem town were to be a taxi company, you have  
177 3 taxis to maintain. One of those taxis turned into a clunker, you only have enough customers for 2 taxis, so  
178 maintain those 2 taxis well and get rid of the other one. Make sure they stay safe and that way you don't have to  
179 increase the rates.  
180

181 Oliver Holmes, Westfall Dr. I am the former Public Works Commissioner. I spent a lot of time a couple of years  
182 ago, evaluating the beginning of this. I spent many, many hours reviewing all the data and looking at 15 years  
183 worth of history or more of the Clapper Road plant, the New Salem plant, the contract with the City of Albany  
184 and all of the decisions that were made over a long period of time. I spent a lot of time a couple of years ago  
185 evaluating the beginning of this study. I spent many, many hours looking at the data and evaluating it, fifteen  
186 years worth of history more about the Clapper Road plant, the New Salem plant, the contract with the City of  
187 Albany and all the decisions that were made over a long period of time that got us to where we were. Then the  
188 decision that we didn't make which was to interconnect the systems that we had designed for a long range  
189 strategic plan to make it work appropriately in a smart cost effective quality focused way. That plan is on the  
190 table tonight, it has been in place. I think the folks have continued the studies in a very thorough way and have  
191 done a lot of analysis. They have looked at many reiterations and were able to answer the questions here  
192 tonight whether its something in the short term or the long term were changed and under any of those, I think  
193 what you would find is a system that is one complete system, really maximizes the flexibility that was designed  
194 in 15 years ago. It's going to minimize the cost both to the residents and to the businesses that we have and  
195 allow them to grow. It is also going to preserve future options should something change in the Town whatever  
196 that might be. Hypothetically we've gone one way or another. It really presents a smart solution and one we  
197 should consider carefully and hopefully to pick the selected one and go forward with that. It would allow the  
198 folks in public works to do their job in an appropriate way, to manage the water for the Town for a long period  
199 of time. I want to commend them for the work they've done. I think they have done an admiral job.  
200

201 Eric Braun – 5 Hunter Road. I think we have political amnesia to a certain extent. When this plant, the Clapper  
202 Road plant was originally proposed, Sheila Fuller the then Town Supervisor, and other members of the Board at  
203 that time said that it would only be used for industrial purposes. I believe that's the reason it wasn't integrated  
204 into the full system. It was for a political reason, the reason being that the people did not want to drink the water  
205 adjacent to the Hudson River. I think you're breaking faith with the people by going ahead with the Clapper  
206 Road plan for usage. Now people voted on building the Clapper Road plant based on the belief it would only be  
207 used for industrial purposes. I believe that if you want to do this, you have to go to the people again and get their  
208 OK to go forward. I don't think it's right morally, you might be able to do it legally, but not right morally to do  
209 this. Also there might be a legal objection of a legal suit brought forth on that basis that the people voted on the  
210 plant for industrial purposes only.

211  
212 Linda Ann Burgess -61 Salibury Rd. I was deeply involved in this issue in 1994. Four years out of my life. My  
213 friends and I started a group called Clearwater for Bethlehem and we learned so much at the time. I appreciate  
214 the thoroughness and professionalism that the Town Board is showing and the care and the concern not only on  
215 the economic side but on the drinking water side. What happened is that the Town is going ahead with working  
216 with an engineering firm that had award winning credentials that promised us that if we gave them 14 million  
217 gallons of water we would get 6 million gallons per day and 14 days after the system was tuned on we were  
218 getting less than 1 million gallons per day. I didn't know that engineers could work that way that we could give  
219 them that kind of money and we could have very good people and not deliver. Another piece that has not come  
220 up is we spent a million dollars to put in an ozone treatment facility in the Clapper Road plant and it never  
221 worked. I think at the time the Town engineer called that the gold star of the system. We still don't use the  
222 ozone system. What I wondered as an ordinary person without any background professionally, wow that's pretty  
223 amazing, I want to understand what's going on. So we asked the question of the Town at the time, was the  
224 water, how much of the water was coming from the Hudson River. The Town was already committed to  
225 building the plant and they didn't know the answer to the question so they researched it and the Town Engineer  
226 came back to Clearwater for Bethlehem and said 90% of the water coming from the Clapper Road plant from  
227 the infiltration galleries was recharged by the Hudson River. That got Clearwater for Bethlehem very interested  
228 in looking at this and there was a strong momentum in the Town to ask the Town Board to not build the plant.  
229 The Town Board went ahead and built the plant and then that's when it didn't deliver what they said it would  
230 deliver aside from the quality of the water. We learned a lot about the Hudson River. The infiltration gallery  
231 and the wells are on the banks of the Hudson River. The Hudson River is class C water. Class C water means  
232 that you can't drink the water, you shouldn't swim in the river, I think about the jet skiers and the kids from  
233 Bethlehem that row on the river and can't eat fish from the river. The big question for us was at the time, should  
234 we be drinking water from the Hudson River. The Town Supervisor at the time said we would only use it for  
235 industrial part of the Town and a few families that lived near that water. They thought that was a long 3 or 4  
236 year battle in our lives and now its over. Its coming up again for me, I'm personally not standing here tonight  
237 with my own mind resolved with what I would do if I was in your seat. I think it's important to have some of  
238 this information thought very carefully about. Can the engineering firm that the Town hired guarantee us that the  
239 water isn't Hudson River water. I asked that question of them and they said no they couldn't guarantee that. I  
240 think we need to look at all sides of this, the economic side is important. As a parent and now a grandparent,  
241 turning on the tap water and having my children and my grandchildren drinking water and wondering about the  
242 source of that. I appreciate the EPA standards and the Health Department standards and New York State  
243 standards but they don't cover all the possibilities that could happen. That water, the reason that it's class C is  
244 because its surrounded by sewage treatment plants. In order to make it a class A, the State would have to ask all  
245 the communities around there to invest their dollars in upgrading their sewage treatment plants. So that's one  
246 issue. The other issue is CSO, combined sewer overflows. When it rains really hard and the sewers can't handle  
247 the water anymore it pours directly into the Hudson. So now I'm thinking, are we getting water from there. I've  
248 been assured by the Town Engineer that the water, we have a very good track record for the last 10 years for  
249 testing the water and its ground water meaning that its runoff, not water from the Hudson. It sounds like, 10  
250 years ago we called it ground water under the influence of a surface body of water and the surface body of water  
251 was the Hudson River. It sounds like now we're saying it's not Hudson River water, its ground water. So can we  
252 be assured that it's not Hudson River water. The wells and the infiltration gallery are right on the banks of the  
253 Hudson River. I wanted to say that my mind is not completely made up, I want these concerns to be thought  
254 about in the community by the Board. I think they're very important. There's not a person in this room that's not  
255 going to turn on a tap tonight to brush their teeth so we're touched by water 24/7 and I suppose at the end of the  
256 day if I knew that was not Hudson River water, if I could know that in a clear way, that would put my mind at  
257 rest. Thank you.

258  
259 Josh Cansler – We had a discussion with Linda a few weeks ago about this. Regarding the source of the water, it  
260 was designed initially to be an infiltration gallery to take water from the Hudson. After it was opened, the  
261 infiltration gallery failed primarily because the water was not coming from the Hudson and that was when it was  
262 discovered that it was coming as groundwater source. We cannot guarantee that water does not infiltrate from  
263 the Hudson into the wells no more than I can guarantee that Hudson River water doesn't get into the Vly Creek  
264 reservoir or Albany's water system or any other system. Water sources out there, for instance the Vly Creek are  
265 a surface source and we don't know where that water comes from. The point I'm trying to make is that we are  
266 able to treat whatever water we get, which we can. We do treat to the EPA standards and maybe yes or no does  
267 it cover every eventuality, I like to think that the EPA does cover everything that they can or at least what is

268 known. I can tell you that the EPA standards for drinking water are much higher than the standards for the  
269 bottled water that you buy in the stores which is not regulated by the EPA but the FDA. To answer one of the  
270 other comments, one of the biggest gripes I've had from customers is the fact that the decision to close the valve  
271 did not go to a vote by the people. It was a decision made by the Supervisor at that time and did not even go to  
272 vote to the Board. The people stood up and the Clearwater water group had an influence with the Supervisor.  
273 The decision to build the plant and whether the valve was opened or not, never went to a vote is my  
274 understanding.

275  
276 Dr. Devario: I wanted to comment on this one particularly because I had the opportunity with Josh to met Linda  
277 a few weeks back. I appreciate her coming in. When she represented to everyone that when asked of me; could I  
278 guarantee that this isn't Hudson River water, I said no because that's the truth, you can't guarantee the source  
279 that it's not Hudson River water. What I can guarantee is that I have a perspective that others couldn't have had  
280 15 years ago. I'm a professional engineer and I'm ethically bound as a professional engineer to give you my  
281 judgment. That's what I'm doing. On that platform, we were hired in 2006. Malcolm Pirnie, Gregg Devario, has  
282 no affiliation with the engineering companies that preceded us. That's water under the bridge. We came in and  
283 looked at the situation that was presented at the time we arrived. It's not about then, it's about now, it's about  
284 what's the right decision now. Was it the right decision then; I don't know. I can't go back in time, I can only  
285 move forward from today. From today moving forward, our recommendation is to use the water at Clapper  
286 Road. What I can tell you is that they have 15 years of successful treatment meeting safe drinking water  
287 standards. When you reference the EPA requirements recognize the reason we're doing this now is because the  
288 EPA is constantly strengthening their standards as they learn more. There's more requirements now than in the  
289 1950's, 1970's and last year and more in 2012. It's constantly changing their doing the best that they can with  
290 people that know far more about water treatment than I do. The reason we're doing this project now is because  
291 EPA standards will be stricter in 2012 than they are today. As a response to that, we embarked on this study and  
292 made our recommendations. In further response, if something arises in the change in demand because you  
293 haven't exercised your expansion at the Vly Creek Reservoir, you could exercise it. If there is an emerging  
294 contaminate that we don't understand yet but we learn later is very important to take out of the water, you'll  
295 have the capital available to invest in new infrastructure that meets the quality goals of that day. That's what  
296 we're trying to do today.

297  
298 Mr. Potter: What's your best judgment as to the source of the water feeding the wells?  
299

300 Dr. Daviero: I'll answer a question you didn't ask. All I am offering now is my judgment because I have done  
301 no science relating to that. This is my perspective, if Hudson River water easily infiltrated the gallery, we  
302 wouldn't have done wells. Earth Tech wouldn't have, how much have they invested?  
303

304 Mr. Potter: I don't know dollar amounts, they have a 6 million gallon guarantee for 13.5 years.  
305

306 Dr. Daverio – So the design professional put in 11 wells to produce 6 million gallons per day. So as a business  
307 professional working in the engineering field, I'm thinking the infiltration gallery didn't work. Which tells me  
308 that water doesn't easily infiltrate into it from the Hudson River. If it did they wouldn't have invested in the  
309 wells. When the wells were built, it provided water to the infiltration gallery. Where the water comes from, I  
310 don't know. What I also know is that the engineer, the original one, they weren't prepared for dealing with high  
311 manganese which doesn't normally exist in high quantity in the Hudson River. It does exist in the water being  
312 delivered from the wells. Had they anticipated this condition they would have designed a pretreatment system  
313 capable of handling it. They did not. That's why a temporary chlorination facility was put in at Dinmore Road,  
314 that's why each of the alternatives have pretreatment option that requires pretreatment of iron and manganese. If  
315 I had to guess, most water comes from a ground water source. Some absolutely infiltrates into the infiltration  
316 gallery, none of the samples taken at the finished water point have come up in violation of the state treatment  
317 water act.

318  
319 Terri Egan; Good evening everybody, I've been in these halls in different capacities over the last several years.  
320 I stand before you tonight as the co-chair of the 20/20 committee. On behalf of my other co-chair George  
321 Leveille, first I want to thank you for giving us the opportunity to co-chair 20/20. For people that might not be  
322 familiar with us, it is a community based group that was initially put together by Supervisor Cunningham. It  
323 issued a report about a year and a half, two years ago and Supervisor Messina has asked with I presume the  
324 blessing of all of you for us to reconvene and go through several and various things that are confronting the  
325 Town. We actually have in addition to the full committee, which consists of 15 or 16 I believe very prominent  
326 residents of the Town of Bethlehem, Cristo being one of our members, a couple other members are here with us  
327 this evening. It is some of the best and brightest the Town has to offer. I feel very fortunate that I have them as  
328 colleagues on this group to look at several issues that will be facing you all currently and as you move into the  
329 future. 20/20 has also organized 3 sub-committees, one deals with modernization of Town government, again  
330 these recommendations are coming from the initial report. A second sub-committee deals with economic  
331 development, and a third deals with intergovernmental benefits that we might find dealing with various other  
332 entities, school districts, fire districts, libraries and such like that. But tonight what we are here for is to talk  
333 about the water project and what's been summarized here. The first thing is, I don't have any additional slides.  
334 There are a couple of things that I guess I want to preface what I have heard. Linda I remember very clearly a lot

335 of what Clearwater did and I would like to say thank you to them. I think it was something that they did that was  
336 very important for the Town. It brought a lot of perspective to a lot of what we were doing. It's perspective that I  
337 think you all need to continue to have as part of the record as you move forward. I do want to clarify that it is  
338 not my recollection, nor is it my belief that the Clapper Road using it or not was ever put to vote. It was not a  
339 vote of the people. It is my recollection and we have talked about it that there is no official Town policy to  
340 either use it or not use it for residential purposes. It was a decision that was made several years ago, really  
341 without the benefit of a full hearing which I believe you all have had if this is the 3,4,5 presentation. At 20/20  
342 we have also had a few renditions and presentations in regard to that. And based on that what I handed to you  
343 this evening and it was sent to electronically today, is a statement from the 20/20 group. It's with the benefit of  
344 several conversations, the presentations that we have had with the staff. Some of us have brought some  
345 historical perspective. As you know George's and mine former lives here I think came to that. There are a  
346 couple of things I would like to go over. First, I think this is the most important thing, I know Dr. Daviro did his  
347 presentation on it, but I want to start with it. This water is safe. 7300 hundred tests later, it's safe. I've grown up  
348 in this Town, I have 2 children in this Town, just about everybody here has a vested interest in here. I believe, as  
349 the committee members, if we did not believe this was safe, we not be standing here tonight saying and adopting  
350 the findings we have had. Health and safety clearly is the committee's first and foremost concern. I know that is  
351 important in your consideration. The second thing we would like to put forward is obviously we are in difficult  
352 times. It's not just the Town, it's the state, the federal and our own homes, in regard to fiscal challenges that we  
353 have. I know you're in the process of doing your budget and this is a big piece of what's going into this year's  
354 budget. After looking at all this and considering all the different factors that you've heard this evening, we at  
355 20/20 believe that Clapper Road is the best alternative because it does in the long haul create the lowest tax  
356 alternative for the tax payers. Not just now but as you move forward. You've got lower front end, it clearly in  
357 the committee's perspective, is from a fiscal perspective, is the best possible alternative and it creates the most  
358 flexibility. There has been some chat about the Albany water contract that was entered into to several years ago  
359 and the cons of it. Certainly there are issues and as I said to someone about 2 weeks ago, hind sight is 20/20 and  
360 the Monday morning quarterback but using the Clapper Road alternative now creates flexibility and it does  
361 create alternatives that we didn't have back when we entered that contract. We were in a situation, we were in a  
362 drought, we didn't have the advantage of 7,300 tests coming out of Clapper. There were several things that  
363 were different. I know it difficult to move from the mid 90's when we had started this conversation. But things  
364 are very different. I urge you to look at all of that and put it in perspective as we sit here tonight. Clapper Road  
365 alternative, we believe, provides the greatest flexibility to meet the long term needs. You heard from Cristo  
366 tonight in regard to retaining that economic development piece that we have here but it's also, using our  
367 economic development group, we believe it creates the most flexibility in regards to expansion and hopefully of  
368 attraction of that new economic development. Joanne, I think you raised a very good question about that and it's  
369 something that we have asked the staff. If we can attract the economic development that we think we can, will  
370 we have the water to provide to them. We think the Clapper Road alternative gives us the most flexibility. We  
371 do have the capacity to grow that to 12 million gallons per day if we had to and wouldn't that be a nice problem  
372 to have. Finally we think the unification of the 3 major water supplies in regard to the benefits to the Town  
373 residents. There were times when I was Supervisor when I was receiving calls from people from the southern  
374 part of Town, western part of Town. They didn't have water. Pressure was down, everything was dry. There is  
375 nothing worse, we take very much for granted going to the faucet to get a drink, all those things we do everyday.  
376 If you don't have that water, there's nothing more upsetting, not only to the person calling you, but in the  
377 position of Town officials trying to provide that. So the water pressure and the minimization of the disruptions  
378 are very important. You have in front of you a statement that 20/20 has provided to you in regard to our  
379 endorsement of the Clapper Road plant. I would note that is a unanimous decision. It is unanimously signed by  
380 everyone except for one person who did not have the benefit of any of the 6 or 7 presentations that have been  
381 given. So Jim asked to be kept off, not because he does not believe in it. We believe strongly that this is the  
382 best recommendation not just for now but moving into the future. We want to thank you at 20/20 on behalf of all  
383 the members, thank you for the opportunity for to provide you the input and we look forward to working with  
384 you on various other issues.

385  
386 Suzanne Traylor, Town Comptroller: I wasn't planning on making a comment but there was a slide that I've  
387 seen several times and I wanted to make a comment about the slide. I wish you could actually extend that slide  
388 to 2030, Kyle as you mentioned earlier. One thing that is very significant about that slide is that the debt goes  
389 away in 2023. The obligation to pay for the Clapper Road plant is gone. In 2024, we have paid for the plant. One  
390 of the first things I asked when I first starting working for the Town was why did we build a plant that we're not  
391 using. I didn't understand it. I took a tour, I've been up to see the New Salem plant, the Clapper Road plant, one  
392 is modern, one is not so modern. I was just trying to understand the finances. I prepare the footnotes for the  
393 financials, I report on the debt service and I just didn't understand why we had this huge obligation for water  
394 plant we weren't using. I think that you understand now, there were many issues I didn't understand at the time.  
395 It is important to note that in 2023-24 we've paid for it. One other comment I'd like to make. It's interesting for  
396 me, I've lived in New York a long time now, probably more than I lived in Colorado. I grew up in Colorado,  
397 not in the Rockies but in the western part of the state which is arid and dry, part of a desert. I grew up in Grand  
398 Junction and they call it Grand Junction because it's the junction of 2 big rivers, the Gunnison and the Colorado.  
399 Now if you've been to Grand Junction you'll probably think because you're from New York and you have the  
400 Hudson, that they look like 2 streams. You have to realize the Colorado River goes all the way to California.  
401 Many people along that river depend on that water to irrigate the peach trees, the grape vines, the apricots,

402 everything in that valley. I played in that water, grew up there. Many, many people drink water that is silty,  
403 brown and not as clear, even though it's a class C river, I hate to think what the Colorado River is. It's definitely  
404 not as clear as the Hudson. I just wanted to let you know that because I think it's amazing that we have all of  
405 these choices in this abundance. We are truly blessed to have water in New York.

406  
407 Mike Tucker, president for the Center of Economic Growth – 115 Huntersfield Road; I would like to speak in  
408 support of the Clapper Road proposal for number of reasons. One, I think it provides the Town and the residents  
409 with a clear supply of quality water that will insure future success, not only in terms of residential development  
410 but in terms of commercial development. Many of you may recall I served for 5 years as chairman of the  
411 Bethlehem Industrial Development Agency. During that time I worked together with many of you to insure that  
412 we were able to continue to work together to grow the commercial tax base while maintaining the residential  
413 character of the community. I think that's a very important component as a resident of the Town. What I would  
414 like to share with you tonight is a broader perspective, a more regional perspective. The Center for Economic  
415 Growth is a 300 member business, government, education and not for profit sector organization covering 11  
416 counties here in Tech Valley and we look at the infrastructure opportunities that are necessary to grow and  
417 sustain this region. To take advantage of the tremendous investment the State of New York and the private  
418 sector, such as Global Foundaries, IBM, General Electric and other companies have made. We are looking at not  
419 only at that investment but at the spin off jobs and opportunities that will come from those exciting investments  
420 that will be made throughout the region. We hope to attract many of those supply chain companies and existing  
421 companies that will expand because of the investment that has been made to the Capital region and to  
422 Bethlehem. The Center for Economic Growth is pleased to have the Town of Bethlehem and the Bethlehem IDA  
423 as a strong member. We're pleased to have the Supervisor participate in our local government council. We  
424 believe that that partnership and that centergy will ensure projects like Vista, projects along the Rt. 9W corridor,  
425 other projects will truly help to expand the industrial and commercial tax base so this community will be able to  
426 sustain its historic role as a place for families to live and to grow and to be able to enjoy the quality of life that  
427 this region and this Town provides. Our growing existing companies attract new business and investment and  
428 prepare the region for smart growth agenda at the Center for Economic Growth ties well into this initiative. Site  
429 selectors look for quality water, they look for opportunities for sites that have municipal services and I think that  
430 the investment that you make today, is an investment of water and development independence that will position  
431 the Town for years to come in terms of insuring multiple supplies, quality supply and quantity of supply that you  
432 may or may not need but you'll have the flexibility. So I ask the Board both as a resident and behalf of the  
433 greater capital region community, to support this initiative and to vote yes for the Clapper Road Alternative.

434  
435 SM: Are there any other members of the public that want to comment?

436  
437 James Ebersole, 36 Bridge St.; I wanted to speak out in support of option number 3. I think everything we've  
438 heard has told us that today the Clapper Road supply is an adequate supply, it eliminates us from being hostage  
439 to future water contracts with the city of Albany. Back in 1994, the time frame when Clearwater was looking at  
440 the options of Clapper Road and the controversy. We've had a lot of time that has passed by that has told us that  
441 water is safe and will provide an adequate supply for the Town and give us a little more flexibility and freedom  
442 going forward. It's a very low cost option, I can't see that the people would want to pay an additional 40% to the  
443 existing contracts with Albany and then at the end of those contracts we're subject to whatever the Albany water  
444 Board wants to do. We have 2 possible sources one of which just opening the valve, do some small  
445 improvements and going forward if we need to improve the New Scotland supplies then we can do so. As for it  
446 being Hudson River water, it all comes form the surface sometimes and filters down to the ground water. Some  
447 of our existing supplies including that from Albany are surface water supplies and subject to runoff of pesticides  
448 and things from farms which has to be treated and cause a problem with reaction with chlorine. I'm in  
449 Slingerlands so get some more of that chlorine than say someone down in Selkirk so I now understand why. It  
450 seems a good option for us moving forward. So give it serious consideration.

451  
452 Mike DeAmbrosio 16 East Bayberry Road; I'm one of the guys that makes your water at both plants. I have a 2  
453 way license that allows me to produce water at both plants under the direction of a 1-A operator. I have just  
454 completed one of the 1-A classes in hopes of probably getting the other license. I did have a lot to say but  
455 apparently it's already been said. The water at the Clapper plant is obviously good water, its test prove that. The  
456 source is really not the issue, everyone thinks the source is the issue but the tests have proven that the water is  
457 good water, better or just as good as any other water we drink. We don't eat raw chicken; you cook your  
458 chicken because if you eat it raw you get sick. So maybe there's junk in the raw water from the river, there's  
459 junk in the water from the Vly reservoir. Surface water contains all kinds of contaminants and whatnot and it's  
460 treated. As the people from Clearwater argue well it's not river water but it's under the influence of river water.  
461 Those wells, the heights of those wells actually rise and lower with the tide change. So it is influenced, so if it's  
462 actually water from the river, maybe yes, maybe no but once again the source is not the issue. The other point  
463 that I'd like to make, is we're still paying for that plant. Why wouldn't we use it to its fullest capacity. You  
464 don't buy something and park it in your garage just to say that you have it. We should have been using this plant  
465 all along, it was a bad decision way back when it was made not to open the valve and to purchase from Albany.  
466 What happens at the end of the contract? We're going to succumb to Albany saying now we're going to charge  
467 you this much for your water or we're not going to give you water and now we don't have the capabilities of  
468 producing our own water.

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Councilman Hennessey: It's been an interesting night because you get a chance to hear a discussion from a number of professional engineers and people in the community about what their concerns are, what their hopes are, what their beliefs are about this system. When it comes to government the things that are done in the dark really don't have a value past when you do them. There have been decisions made over time that were good decisions at the time, bad decisions at the time, based on the information that was in front of them. We thought, all of us, everyone on the Town Board, thought it was really important to have this conversation about what this really looks like and have the opportunity to talk about this a number of times. I'm very thankful to the Town engineer and to all the people that work in public works. They've taken the time to go through this process to show us exactly what it all looks like. There's still questions that we all have that need to be resolved before we can move forward on what's the best choice here. But it's \$140,000,000 or \$130,000,000 depending on the options that we pick. So it's one of those decisions that we just can't make on the basis of one night of discussion or one meeting we might have or a series of meetings behind closed doors. So I'm glad we're all here to talk about this and I'm glad that there were people here in support and people that may still have concerns. We're going to make the right decision but we're going to make the right decision only because of the information you have given us here tonight. I want to thank everyone who came here to talk to us and I want to thank the Town staff for the work they put into these presentations. Thank you.

A motion to close the Public Hearing was offered by Councilman Jordan, seconded by Councilman Hennessey and approved with the following vote:

- Yeas: Supervisor Messina, Councilwoman Dawson, Councilman Hennessey, Councilman Jordan  
Councilman Kotary
- Nays: None
- Absent: none

The public hearing closed at 8:25pm.

Supervisor Messina said he was ready to put forth a motion to maximize the Clapper Road plant by accepting the recommendation of our town engineering staff.

A motion to accept the recommendation of the Town Engineering staff, the 20/20 committee, the business leaders and the overwhelming majority of Town residents who have appeared at this hearing, to maximize the Clapper Road alternative and to flip the switch was offered by Councilman Jordan, seconded by Councilman Kotary, discussion

Councilman Hennessey didn't think the Board would take action on this now. He thought there were still outstanding concerns. He didn't understand the rush. Supervisor Messina said it was determined that the water was safe and the issue has been out for public review for awhile on the WEB site, in the E-news and in Our Town. He thought it was time to go forward. Councilwoman Dawson said that action on this issue was not on the agenda, so the action was not advertised. She asked if it wouldn't be better to wait until the next meeting and add it to the agenda. Councilman Jordan asked Mr. Potter if his motion could have been brought up under new business. Mr. Potter said he could have made that motion. There has been an occasion where an action was taken after a public hearing without the action being on the agenda. The Board could table or proceed with the motion. Councilman Jordan felt that the decision was an executive one but the Supervisor had a series of public meetings and a decision had to be made. He didn't think it would help in delaying the decision. Councilman Hennessey thought there were people still with unanswered questions. This was a fundamental change in the way the Town does business. Councilman Kotary said he thought tonight was for the public hearing. He had made a decision on the evidence put forth before him. He thought the Board and the public had opportunities to voice their opinion. He understood the feelings of Councilman Hennessey but had come to the public hearing to find out the feelings of the public and was willing to change his decision if there had been an over whelming response from the public in the negative. There was not, but he would wait if the majority of the Board wanted to wait.

Supervisor Messina thought it was in the best interest of everyone to go forward with the motion. He called for a vote.

The motion passed with the following vote:

- Yeas: Supervisor Messina, Councilwoman Dawson, Councilman Jordan, Councilman Kotary
- Nays: Councilman Hennessey
- Absent: none

**APPROVAL OF 9/22/10 MINUTES-----**

A motion to approve the Town Board minutes as drafted was offered by Councilman Jordan, seconded by Councilman Kotary and approved with the following vote:

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AYES: Councilwoman Dawson, Councilman Hennessey, Councilman Jordan, Councilman Kotary

NAYES: none

ABSENT: none

ABSTAIN: Supervisor Messina

**REQUEST FROM THE SUPERVISOR TO APPOINT STEPHEN P. ROSENBLATT TO A VACANT VOLUNTEER POSITION ON THE BETHLEHEM'S INDUSTRIAL AGENCY**

A motion to approve the Supervisor's request to appoint Stephen P. Rosenblatt to a vacant volunteer position on the Bethlehem's Industrial Agency was offered by Councilwoman Dawson, seconded by Councilman Kotary and approved with the following vote:

AYES: Supervisor Messina, Councilwoman Dawson, Councilman Hennessey, Councilman Jordan, Councilman Kotary

NAYES: none

ABSENT: none

**PRESENTATION BY COUNCILMAN HENNESSEY OF A PROPOSED POLICY REGARDING WEB POSTING OF TOWN BOARD AGENDA ITEMS AND OTHER PUBLIC INFORMATION**

Councilman Hennessey said the purpose of the policy was to release the attachments that the Town Board sees that are with the agenda items. If there is an issue with the release of the attachments, a checklist stating why the attachment will not be released will be released. This is the ninth version of the policy and many people have contributed to its creation.

A motion to approve Version #9 of the Town of Bethlehem's Policy Regarding WEB Posting of Town Board Agenda Items and Other Public Information was offered by Councilman Hennessey, seconded by Councilwoman Dawson and approved with the following vote:

AYES: Supervisor Messina, Councilwoman Dawson, Councilman Hennessey, Councilman Jordan, Councilman Kotary

NAYES: none

ABSENT: none

**REQUEST FROM TOWN PLANNER TO CONSIDER EXTENSION OF TIME FOR COMMENCEMENT OF CONSTRUCTION ACTIVITY AT MEADOWBROOK SECTION 3 PLANNED DEVELOPMENT DISTRICT**

Supervisor Messina said the Draft2 Amendment No. 1 to B.P.A. No. 36 extends the construction start date to November 3, 2011.

A motion to grant the approval as drafted was offered by Councilman Jordan, seconded by Councilwoman Dawson.

Prior to voting Mr. Ted Gladstone presented his request to the Board. He said due to the economy he has been unable to sell his approved project to a developer. The amount of foreclosures is causing a slow down in new projects. He was requesting a two (2) year extension instead of one (1). It would take a year to find a buyer and close the deal but it would be unlikely that construction could start in that time frame. Mr. Lipnicky said that if this project was a regular subdivision instead of a subdivision in a PDD, he wouldn't have this problem.

Councilman Jordan amended his motion to grant the approval for a two (2) year extension of the construction start time for the Meadowbrook 3. The new date will be November 3, 2012. Seconded by Councilwoman Dawson and approved with the following vote:

AYES: Supervisor Messina, Councilwoman Dawson, Councilman Hennessey, Councilman Jordan, Councilman Kotary

NAYES: none

ABSENT: none

TOWN OF BETHLEHEM  
ALBANY COUNTY, NEW YORK

AMENDMENT NO. 1 TO  
BUILDING PROJECT APPROVAL NO. 36

603 MEADOWBROOK SECTION 3

604

605

606 Amendment No.1  
607 to B.P.A. No. 36

Date: October 13, 2010

608

609

610 TO: Gladstone Development Corporation  
611 35 Mason Street  
612 Greenwich, CT 06830

613

614

615 I. The Town Board of the Town of Bethlehem, at a meeting held October 13, 2010, approved an  
616 amendment to the Building Project known as "Meadowbrook Section 3 Subdivision". This Amendment  
617 alters the required start of construction date for the Building Project as specified in Building Project  
618 Approval No. 36, dated November 3, 2008, Paragraph A-4. Construction work shall now commence on this  
619 Building Project no later than November 3, 2012.

620

621 III. The changes approved by the Town Board were not considered of sufficient magnitude to require that a  
622 public hearing be held to consider this Amendment.

623

624 IV. Prior to the approval of this Amendment, the Town Board considered the Amendment a Type II action  
625 requiring no further determinations pursuant to the State Environmental Quality Review Act.

626

627 V. All other conditions and requirements specified in Building Project Approval No. 36, dated November  
628 3, 2008, shall remain in full force and effect, except as amended herein.

629

630 VI. The effective date of this Amendment is October 13, 2010.

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BY ORDER OF THE TOWN BOARD

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Supervisor, Town of Bethlehem

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637  
638 The request by the Fleet manger to dispose of surplus vehicles and equipment at auction at Auction International  
639 in Buffalo did not make it onto the agenda released to the members of the town Board and the public. It was  
640 moved to new business.

641

642 **NEW BUSINESS**

643

644 **REQUEST BY THE FLEET MANAGER TO DISPOSE OF SURPLUS VEHICLES AND EQUIPMENT**  
645 **AT AUCTION AT AUCTION INTERNATIONAL IN BUFFALO.**

646

647 A motion to allow the Fleet Manager to dispose of surplus vehicles and equipment at Auction International in  
648 Buffalo was offered by Councilman Kotary, seconded by Councilman Jordan and approved with the following  
649 vote:

650

651 AYES: Supervisor Messina, Councilwoman Dawson, Councilman Hennessey, Councilman Jordan,  
652 Councilman Kotary

653

NAYES: none

654

ABSENT: none

655

656 **REQUEST FROM THE TOWN CLERK TO SET A PUBLIC HEARING DATE FOR THE PROPOSED**  
657 **AMENDMENT TO TOWN OF BETHLEHEM TOWN CODE, CHAPTER 61, DOGS, ARTICLE II,**  
658 **LICENSE FEES ON NOVEMBER 10, 2010 AT 6:00PM.**

659

660 A motion to set a Public Hearing on the proposed amendment to Town of Bethlehem Town Code, Chapter 61,  
661 Dogs, Article II, License fees on November 10, 2010 at 6:00pm was offered by Councilwoman Dawson,  
662 seconded by Councilman Kotary and approved with the following vote:

663

664 AYES: Supervisor Messina, Councilwoman Dawson, Councilman Hennessey, Councilman Jordan, Councilman  
665 Kotary

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NAYES: none

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ABSENT: none

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669 **PUBLIC COMMENT ON NON-AGENDA ITEMS-----**

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**PUBLIC ANNOUNCEMENTS -----**

There will be an additional budget workshop on October 20, 2010 at 7:00PM. It is open to the public.

A motion to adjourn to executive session for a matter with potential litigation was offered by Councilman Jordan, seconded by Councilman Kotary and approved with the following vote:

AYES: Supervisor Messina, Councilwoman Dawson, Councilman Hennessey, Councilman Jordan, Councilman Kotary  
NAYES: none  
ABSENT: none

A motion to adjourn the meeting was offered by Councilwoman Hennessey, seconded by Councilman Kotary and approved with the following vote:

AYES: Supervisor Messina, Councilwoman Dawson, Councilman Hennessey, Councilman Jordan, Councilman Kotary  
NOES: none  
ABSENT: none

The regular Town Board meeting closed at 9:05 PM.

Nanci Moquin  
Town Clerk

**EXECUTIVE SESSION**

The executive session was called to order by Supervisor Messina at 9:01 PM.

A motion was made by Councilman Kotary and seconded by Councilman Jordan to authorize the Supervisor to execute a contract with MR Valuation for a preliminary valuation of a specified property of up to \$20,000, and for a court ready appraisal, if need, of up to \$25,000. Further, the motion included authorization to expend up to \$20,000 for the preliminary valuation.

The motion was passed with the following vote:

Yeas: Supervisor Messina, Councilwoman Dawson, Councilman Hennessey, Councilman Jordan  
Councilman Kotary  
Nays: None  
Absent: none

A motion was made by Councilman Kotary and seconded by Councilman Jordan to accept Special Council Joshua J. Effron's recommendation to settle a proceeding in Supreme Court (Jakovic v. Town of Bethlehem) on a real estate assessment matter at a negotiated reassessment value of \$185,000

The motion was passed with the following vote:

Yeas: Supervisor Messina, Councilwoman Dawson, Councilman Jordan, Councilman Kotary  
Nays: Councilman Hennessey  
Absent: none

A motion was made by Councilman Kotary and seconded by Councilman Jordan to accept Special Council Joshua J. Effron's recommendation to settle a proceeding in Supreme Court (Kelp v. Town of Bethlehem) on a real estate assessment matter at a negotiated reassessment value of \$180,000.

The motion was passed with the following vote:

Yeas: Supervisor Messina, Councilwoman Dawson, Councilman Jordan, Councilman Kotary  
Nays: Councilman Hennessey  
Absent: none

**Resolution To Authorize The Town of Bethlehem To Apply For A  
Grant Through the Justice Court Assistance Program**

WHEREAS, funding is available to eligible municipalities under the Justice Court Assistance Program, wherein eligible projects can receive up to \$30,000 in grant monies; and

WHEREAS, the Town of Bethlehem has determined that additional Court supplies and equipment will provide enhanced services to the Town's Justice Court, and is a qualifying purpose and therefore an appropriate use of grant proceeds; and

THEREFORE BE IT RESOLVED, that the Town Board of the Town of Bethlehem does hereby authorize the Supervisor to file an application for grant funding under the Justice Court assistance program.

The forgoing resolution was presented for adoption by \_\_\_\_\_, seconded by \_\_\_\_\_ and duly adopted by the following vote:

Ayes:

Nays:

October 26, 2010

*Sam Messina*  
*Town Supervisor*

*Josh Cansler*  
*Commissioner*

*Erik T. Deyoe, P.E.*  
*Deputy Commissioner*

# TOWN OF BETHLEHEM

*Albany County - New York*

## DEPARTMENT OF PUBLIC WORKS

445 DELAWARE AVENUE  
DELMAR, NEW YORK 12054

(518) 439-4955 x1128

Fax: (518) 439-5808

Email: [jcansler@townofbethlehem.org](mailto:jcansler@townofbethlehem.org)



### MEMORANDUM

TO: Supervisor Messina & members of the Town Board

FROM: Josh Cansler, Commissioner of Public Works

DATE: October 14, 2010

SUBJECT: Public Hearing 2011 Sewer Tax Rolls

I request the Town Board authorize holding the Public Hearing for the 2011 Sewer Tax Rolls on Tuesday, November 23, 2010.

I further request that a notice be published in the November 3, 2010 issue of the "Spotlight" advertising the date of the Public Hearing for the Sewer Tax Rolls.

Please contact me if you have any questions or need any further information.

cc: Nanci Moquin, Town Clerk  
File

WHEREAS, 2011 Assessment Rolls have been prepared for the Bethlehem Sewer District and it is necessary to hold a Public Hearing with reference thereto,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hold a Public Hearing with reference thereto, at 6:00 p.m. on Tuesday, the 23rd day of November 2010, at the Bethlehem Town Hall, and

BE IT FURTHER RESOLVED, that the Town Clerk be, and she hereby is authorized and directed to publish a notice of such hearing in the SPOTLIGHT, a newspaper published in Albany County and having a circulation within the Town of Bethlehem, on the 3rd day of November 2010.

The foregoing Resolution was presented for adoption by  
seconded by  
and was duly adopted by the following votes:

Ayes:

Noes:

Dated:

*Sam Messina*  
Town Supervisor

*Nan Lanahan*  
Administrator

**TOWN OF BETHLEHEM**  
*Albany County - New York*  
**PARKS & RECREATION DEPARTMENT**  
ELM AVENUE PARK  
261 ELM AVENUE  
DELMAR, NEW YORK 12054  
(518) 439-4955 option 3  
Fax: (518) 439-2144  
Email: nlanahan@townofbethlehem.org



## **MEMORANDUM**

**Date:** October 20, 2010  
**To:** Sam Messina and Members of the Town Board  
**From:** Nan Lanahan, Administrator  
**Re:** Use of Parkland Setaside Funds

**Project**  
***Henry Hudson Park Fishing Platform Grant Match***

Through the NYSDEC Estuary Program, we applied for and received funds to construct a fishing platform at Henry Hudson Park at a total project cost of \$111,600. This grant requires a 25% match equaling \$27,900. The remaining \$83,700 will be reimbursed through the grant. The project has gone out to bid with an award expected in this agenda. Our match will be used for engineering services, platform expenses, and site work.

### **Requested Action**

I am requesting your approval of the attached resolution, which includes budget modifications, to spend \$27,900 from the Parkland Set Aside Fund to satisfy our match. It is our hope that the satisfaction of this grant will open up opportunities for further funding from the Estuary Program to continue the implementation of other action items outlined in the Henry Hudson Park Master Plan.

Thank you for your consideration.

**RESOLUTION**

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Bethlehem in the County of Albany, State of New York has on the 27th day of October, 2010, duly adopted a resolution as follows:

WHEREAS, the Town Board of the Town of Bethlehem has determined that it is in the public interest of the Town to construct an accessible fishing platform at Henry Hudson Park and

WHEREAS, the funds requested are the required 25% match portion of a Dept. of Environmental Conservation grant, and

WHEREAS, it is estimated that the match will not exceed \$27,900 in cash and in-kind services; and

WHEREAS, in recognition of these needs, funds for such purpose are in the Parkland Set Aside Fund; and,

NOW, THEREFORE, BE IT RESOLVED that it is in the public interest to complete the project as described above; and

BE IT FURTHER RESOLVED, that the Town Board authorizes the expenditure of the Parkland Set Aside moneys to fund this project up to a maximum amount of \$27,900 and,

BE IT FURTHER RESOLVED, that the Town Comptroller is authorized to expend from the Parkland Set Aside Fund the funds necessary up to \$27,900 in said fund; and

BE IT FURTHER RESOLVED, that the Town Board approves a budget modification for the project as described above, with an increase to Parks and Recreation Capital Expenditure line items (110-7120-551-22-03), and a corresponding increase to Planning Board Fee revenue (110-0000-327-21-15), in the amount of \$27,900.

The motion to adopt the resolution was made by \_\_\_\_\_, was seconded by \_\_\_\_\_ and duly adopted by the following vote:

AYES:

NOES:

ABSENT:

DATED:

**TOWN OF BETHLEHEM**  
**Agenda Attachment Release Exemption Checklist**

In accordance with the policy set forth by the Town Board on October 13, 2010, prior to a Town Board meeting the Town Clerk or designee, may deny public access to records that fall into the following exempt categories. As the Department Head, if you feel that the attachment for your agenda item falls within one of these categories, please check the line next to the category you feel the attachment falls into. The checklist will then be posted instead of the attachment. If the Town Clerk or designee disagrees with your assessment, the Town Clerk or designee will contact you prior to the release of any information.

- Federal or State Exemption** – items that are specifically exempted from disclosure by state or federal statute.
- Personal Information** – information that, if disclosed would constitute an unwarranted invasion of personal privacy under the provisions of the State Public Officers Law section Article 6 and 6-A. Also, for the intents of this policy, disclosure of any record related to a minor shall not be subject to disclosure.
- In-Progress Contract Information** – Information that would impair present or imminent contract awards or collective bargaining negotiations provided that in the case of contract awards upon opening of bids in a competitive procurement such possible impairment will be considered extinguished.
- Trade Secrets** – items that are trade secrets or are submitted to an agency by a commercial enterprise and which if disclosed would cause substantial injury to the competitive position of the subject enterprise – provided that materials that fall under this category are trade secrets which are clearly and specifically delineated to the Town of Bethlehem in writing by the commercial enterprise.
- Law Enforcement Documents** – Information that is compiled for law enforcement purposes and which, if disclosed, would:
  - a. interfere with law enforcement investigations or judicial proceedings;
  - b. deprive a person of a right to a fair trial or impartial adjudication;
  - c. identify a confidential source or disclose confidential information relating to a criminal investigation; or
  - d. reveal criminal investigative techniques or procedures, except routine techniques and procedures
- Life or Safety** – Information that could endanger the life or safety of any person, entity or critical infrastructure.
- Examination questions** – Examination questions or answers which are requested prior to the final administration of such questions.
- IT Security Reasons** – Information that would jeopardize the Town’s capacity to guarantee the security of its information technology assets, with such assets encompassing both electronic information systems and infrastructures.

Item on the Agenda

Request from the Administrator of Parks and Recreation for approval of seasonal personnel.

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Nan Lanahan

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Department Head

*Sam Messina*  
Town Supervisor

*Josh Cansler*  
Commissioner

*Paul Penman, P.E.*  
Town Engineer

# TOWN OF BETHLEHEM

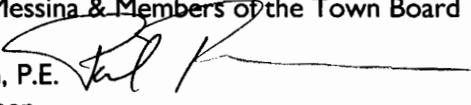
Albany County - New York  
DEPARTMENT OF PUBLIC WORKS  
445 DELAWARE AVENUE  
DELMAR, NEW YORK 12054  
Engineering Division (518) 439-4955 x1135  
Fax: (518) 439-5808  
Email: ppenman@townofbethlehem.org



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## MEMORANDUM

TO: Supervisor Messina & Members of the Town Board

FROM: Paul Penman, P.E.   
Town Engineer

DATE: 21 October 2010

SUBJECT: Henry Hudson Park – Fishing Platform Project  
Recommendation to Award Contract

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### Requested Action

1. Authorization to award a contract for the above referenced project to The Dock Doctors for \$93,900 and authorization for Supervisor Messina to sign a contract with the Dock Doctors.

### Background

On October 6, 2010, the Town received two (2) bids for the above referenced project.

The bid results were as follows:

Bidder	Base Bid Amount	Deduct Alt. No. 1	Deduct Alt. No. 2
The Dock Doctors	\$116,280.00	\$4,960.00	\$5,420.00
Parrott Enterprises, Inc.	\$90,050 (Bid withdrawn by the Contractor)	\$120,500.00	\$4,500.00

The Engineering Division has value engineered a pre-negotiated change order with the Dock Doctors, resulting in a \$12,000 credit to the Town.

Barton & Loguidice, P.C. (B&L), the Town's project engineer, and the Engineering Division have reviewed the submitted bids. Based on our review, the Dock Doctors are the lowest responsible

bidder. B&L has provided the Town with a letter recommending the contract award (attached hereto). It should be noted that the initial apparent low bidder (Parrott Enterprises, Inc.) has withdrawn their bid due to an error with their bid.

**FUNDING:**

Funding for this contract is being requested as a separate agenda item.

**RECOMMENDATION:**

Based on our review and B&L's recommendation, we recommend that the Town Board award this contract to the Dock Doctor's for their base bid minus the two deduct alternates and the prenegotiated change order for \$93,900, and that the Board authorize Supervisor Messina to execute the contract with the Dock Doctors for this project.

For your reference, copies of the original bids are available in the Town Clerk's office. Please feel free to contact me if you have any questions in this regard.

Encl.

Cc: N. Lanahan, Parks & Recreation  
N. Moquin, Town Clerk  
J. Potter, Town Attorney  
S. Traylor, Comptroller

October 15, 2010

Paul Penman, P.E.  
Town Engineer  
Town of Bethlehem  
445 Delaware Avenue  
Delmar, New York 12054

Re: Dock Facility – Henry Hudson Park  
Recommendation for Award of Construction Contract

File: 858.032

Dear Mr. Penman:

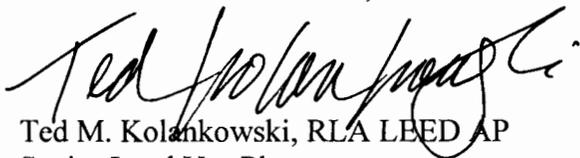
Barton & Loguidice, P.C. (B&L) has reviewed the bids submitted for the referenced Contract and the certified bid tabulation is attached for your review. Also attached are the original bid forms for your files.

Based on our review of the bids submitted and qualifications of the low bidder for the referenced Contract, we recommend award of the Contract to OSI Dock Doctors, Inc. in the amount of \$93,900.00. This contract amount is calculated by deducting the 'deduct alternate' items 2 and 3; and also reflects a credit as negotiated and outlined in the attached letter dated October 13, 2010 from Chris Girard of the Dock Doctors.

Please call should you have any questions.

Very truly yours,

BARTON & LOGUIDICE, P. C.



Ted M. Kolankowski, RLA LEED AP  
Senior Land Use Planner

TMK/ojf

Attachments

cc: Monika King, PE, Engineer  
Nan Lanahan, Parks and Recreation Administrator



**The  
Dock Doctors®**  
**Waterfront Specialists**

October 13, 2010

Barton & Loguidice, P.C.  
2 Corporate Plaza  
264 Washington Avenue Extension  
Albany, NY 12203

RE: The Henry Hudson Park Fishing Platform Project

Dear Mr. Ted Kolankowski,

We have contacted our insurance company to discuss the cost comparisons between a \$1.0M and \$4.0M umbrella policy. We can extend a \$12,000.00 cost savings to the Town of Bethlehem with their consideration of a \$1.0M umbrella policy for the fishing platform project; I would be more than willing to discuss this option in further detail with you and/or Town Officials as needed.

Please keep in mind that the floating docks, gangways, and railings are manufactured at our facility in Vermont during the winter months (January – March) assuming all permits are in place; the concrete hitches and actual dock installation should only require us to be on-site for roughly five (5) days for completion.

Please feel free to contact our office with any questions or comments that you might have with regards to this project.

Sincerely,



Chris Girard  
Sales Manager

Docks • Boat Lifts • Hillside Elevators • Stairs • Custom Products & Services

19 Little Otter Lane, Ferrisburg, Vermont 05456 • 802-877-6756 • 1-800-870-6756 • Fax 802-877-3147  
info@thedockdoctors.com • www.thedockdoctors.com

**TOWN OF BETHLEHEM  
858.032 - THE HENRY HUDSON FISHING PLATFORM PROJECT  
BID OPENING - 2:00 PM, OCTOBER 6, 2010  
BID TABULATION**



Item No.	Description	OSI - Dock Doctors Amount	Parrot Enterprises Inc. Amount
1	Lump Sum - General Construction	\$116,280.00	\$90,050.00*
2	Deductive Bid Item #1 - Shoreline Stabilization Work	\$4,950.00	\$120,500.00
3	Deductive Bid Item #2 - Asphalt Walk Pavement	\$5,420.00	\$4,500.00
TOTAL LUMP SUM - GENERAL CONSTRUCTION ( ITEM 1 )		\$116,280.00	\$215,050.00**
TOTAL LUMP SUM - GENERAL CONSTRUCTION (ITEMS 2 & 3 DEDUCTED FROM ITEM 1)		\$105,900.00	\$90,050.00
ADDENDUM #1 SIGNED		Yes	Yes
ADDENDUM #2 SIGNED		Yes	No
NON COLLUSION ATTACHED		Yes	Yes
SURETY		Yes	Yes
BID BOND		5%	5%

\* Bidder erroneously submitted a written base bid of \$90,050 and withdrew bid later in writing.  
\*\* Corrected Base Bid.

WE CERTIFY THAT THIS TABULATION IS A TRUE AND CORRECT COPY OF THE CANVASS OF BIDS.  
BARTON & LOGUIDICE, P.C.

BY:   
Ted M. Korkowski, RLA, LEED-AP  
Senior Land Use Planner