

TOWN BOARD
AUGUST 26, 1998

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: Sheila Fuller, Supervisor
George Lenhardt, Councilman
Doris M. Davis, Councilman
Robert C. Johnson, Councilman
Susan Burns, Councilman
Bernard Kaplowitz, Esq., Town Attorney
Kathleen A. Newkirk, Town Clerk

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Supervisor Fuller welcomed everyone to the regular meeting of the Bethlehem Town Board indicating the first item was to recite the pledge of allegiance.

The first item was to consider an application received from CMI Senior Housing & Healthcare, Inc. for Building Project Approval for premises located at 476 Delaware Avenue, Delmar to permit rezoning to commercial from residential.

Mr. Cahill said pursuant to the provisions of the Zoning Ordinance, CMI has submitted an application for Building Project Approval as required. He said they had a preliminary meeting with John Fenzl, Senior Engineer, and Jeff Lipnicky, Town Planner. He said the plans are simply to get the process going. He said there has been discussion with Doug Hasbrouck, Chairman of the Planning Board, and with Mr. Lipnicky and it is their understanding that this matter will not go to the Planning Board for discussion by that Board until such time as Mr. Fenzl and Mr. Lipnicky have had a chance to have some input and some comments to their developer who will then revise the plans per those comments. Subsequent to that, according to Mr. Cahill, it will go to the Planning Board for discussion by the Planning Board and the establishment of a public hearing date.

Application
CMI Project
Approval
rezoning
from
residential
to commercia
for Building
Project
Approval
to Planning
Board

Supervisor Fuller said basically the job tonight is to refer this to the Planning Board for recommendation back to the Town Board and the Town Board has the final vote on this. She said it goes to the Planning Board, the Planning Board holds the public hearing, then the Planning Board makes a recommendation back to the Town Board. Mr. Cahill said that is his understanding.

Supervisor Fuller asked if there were any questions or comments from the Town Board. Councilman Johnson said he had one comment. He said this is a very unprofessional attempt at this, but everything that has been talked about so far -- talked about CMI sitting in the middle of a perimeter of trees all the way around it -- saying he went through this and trees that were going to be removed around the perimeter, he came up with 38 trees not in the building itself. He said there may be a lot of reasons, he just wanted to bring the question up and have it looked at in detail. Mr. Cahill said sure. Councilman Johnson said he thinks every tree to be removed should have a very good reason. Mr. Cahill said he understands and thanked Councilman Johnson.

Councilman Lenhardt said in his approval of the rezoning issue, he mentioned in the statements that he would not condon the compromising of the 160 foot buffer zone in the back of Stratton Place and he notices on this plan that there is a parking area added there. Mr. Cahill said that is not cast in stone because the parking area is a result of discussion with the Town Library. He said it would be used by the Library specifically and solely. He said if you notice on the plan there is a breakaway gate that would allow emergency access vehicles to go through the Library to get to CMI facility and vice versa if the main entrance to either facility was blocked. He said when this project started it was proposed as a showing of good faith and of good neighbor that they would provide parking to the Library. He said that was all put on hold while the Library explored other possibilities for the parking. He said when

those did not come to fruition, the Library reapproached CMI and asked if they would be interested in doing so. Mr. Cahill said it is his understanding that the residents of Stratton Place, that he has spoken with, are more in favor of the parking as it is proposed on the plan than on the original plan that the Library had in the pipe line. He said that concern can certainly be addressed if the Board wishes to see additional buffering to screen the parking from the Stratton Place residents.

Councilman Burns asked about the time line that Mr. Cahill referred to. She said it is scheduled for the Planning Board for September 15th meeting. Mr. Cahill said he is hopefully that they will have the comments from Mr. Lipnicky and Mr. Fenzl by that time and be able to readjust the plans to meet their concerns. He said it is his understanding that would simply be on the Planning Board agenda for discussion by Members of the Planning Board and if they saw fit, they would establish a public hearing date. Councilman Burns asked if that would be 30 days. Mr. Cahill said that would have to be on notice, and probably be 30 days down the road, at least. Councilman Burns said then it would be referred back to the Town Board. Mr. Cahill agreed that it would come back to the Town Board. Councilman Burns asked Mr. Cahill if he had a time frame that he is looking at for this. Mr. Cahill said as soon as possible. He said he does not possibly see it being in the ground before the end of the year. He does not think this is feasible. Councilman Burns thanked Mr. Cahill.

Supervisor Fuller noted Councilman Lenhardt made a suggestion before referral to the Planning Board that direction be sent as a recommendation that unless he hears something in the positive from the residents that are affected by this parking area on Stratton Place, that he will not approve the site plan as presented. Supervisor Fuller indicated the site plan presented will not be the same one to be seen for the rezoning. Mr. Cahill asked Mr. Lenhardt if he did not want the parking there in any shape or form. Councilman Lenhardt said he did not want that 160 foot buffer area compromised. He said when this was voted upon, they were presented a conceptual plan. He voted on the conception plan and this is a change. Council Cahill asked if this was the consensus of the Board that they do not want the parking for the library. Councilman Davis asked Mr. Cahill if this was something that was discussed with the library or if the library has officially and formally requested it of CMI. Mr. Cahill said when this project started, they approached the library and asked them if they could provide parking in exchange for emergency access. He said the library at that time told them that they were exploring the acquisition of the Matterese property and put CMI on hold. Mr. Cahill said that fell through and the library came back to CMI and asked if they would still provide parking. He said he had discussions with Mr. Lipnicky about that and told him that they would be having further discussions with the library. He said their proposal is based on the library looking for something from CMI. Councilman Davis asked if it were true that the library requested the parking. Mr. Cahill said yes, they did and noted they have had 2 or 3 formal meetings with the entire Library Board of Directors and with representatives of the library but indicated they are not tied into it. He said it is up to the Town Board what they want to do with this.

Supervisor Fuller said she thinks the buffer zone is important to maintain and she thinks the library had the opportunity and they chose to put this up for a vote that was defeated. She further asked if there is a real need for additional parking for the library. She said she is no longer aware of it because they use the Town Hall parking lot. She said she does not want CMI held up while the library parking issue is debated. Mr. Cahill indicated the parking will be removed from the plans.

Councilman Davis said she is sympathetic to the needs of the library. She said she is a very frequent user of the library and has been for 32 years plus. She thinks that this particular issue is separate from that and she remembers that she also made an appeal to the Planning Board at the hearing that they do the best they possibly can to screen CMI from the residential area. She said she is sort of consistent with this. Mr. Cahill said that was fine, they will

remove it from the plan. He said he will inform the library on Thursday that it is not a possibility.

Supervisor Fuller asked Councilman Burns and Councilman Johnson if they had any comment. Councilman Johnson said he thought this was reasonable. Councilman Burns said if not, it will come back to the Board with their concerns and then they will have to look at it as a full picture. Councilman Davis said she thought it needed to be done before it comes back to the Board. She said that is an awfully late stage and feels it can be remedied long before it comes back. Mr. Cahill said the Board's direction is that CMI should not proceed with the library parking indicating they will take it off of the proposed plan. Supervisor Fuller said she believes that is the Board's direction. Mr. Cahill agreed.

Councilman Lenhardt indicated the library is a quasi governmental body unto itself and he thinks they can pursue their own relief. Mr. Cahill said in all fairness, it makes it a lot easier for CMI to not do this parking thing.

Supervisor Fuller noted the comments will be forwarded to the Planning Board so they will have them from the Town Board meeting. Mr. Cahill said that was fine and thanked the Board. Supervisor Fuller thanked Mr. Cahill.

The motion was made by Mrs. Davis and seconded by Mr. Johnson to forward the application from CMI Senior Housing & Healthcare, Inc. for Building Project Approval to the Town of Bethlehem Planning Board for review and recommendation. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Lenhardt, Mrs. Davis, Mr. Johnson,
Ms. Burns.
Noes: None.

Supervisor Fuller noted it is tentatively set for September 15th on the Planning Board agenda. Chairman Hasbrouck said they will talk about it because Mr. Cahill had called him Tuesday and said the plans that he had now were not quite at the point that engineering or planning would be able to make a full review so he said they may want to get their input before taking this to the Planning Board. He said they have it tentatively scheduled for the 15th but it will be decided after tonight whether it will be on the agenda. He said this issue will certainly be a factor in this.

The next item was a request from Nancy Karins Mendick, Receiver of Taxes & Assessments, for approval to hire temporary help to assist with the preparation of 1998 school tax bills.

The motion was made by Mr. Lenhardt and seconded by Mr. Johnson to approve the hiring of temporary help to assist with the preparation of the 1998 school tax bills as requested by Nancy Karins Mendick, Receiver of Taxes and Assessments.

Tax department
approval to
hire temporary
help with
school tax
bills

Councilman Burns asked Tax Receiver Mendick if this is something that happens every year. Tax Receiver Mendick indicated it did noting for 32 years they have had as many as 12 to 15 people coming in to help with the tax bills. She noted through automation it has reduced the number drastically. She said through the new machines that are in the Town Hall, the numbers have been cut. She said especially for the crunch at the end of the tax season to help open mail and process payments, these workers are needed. Councilman Burns asked if the names come off of a list of some kind. Mrs. Mendick said they have been helping for years and are experienced older people that live in the community. Councilman Burns asked if there is ever an ad in the paper. She asked if Mrs. Mendick did this every year. Mrs. Mendick said she hasn't needed to. She said it has been the same people because there is a certain skill level that they accumulate over the years. She said she is not needing as many people and therefore, she is requesting fewer people. Councilman

Burns asked if someone were interested if they could drop off a resume and be considered. Mrs. Mendick said yes. Supervisor Fuller informed Councilman Burns that people do come in and leave their resumes. She said part of the difficulty in getting people for this position is that it is only for September and October and then again at property tax time. She said it is usually a part of the organizational meeting for January when the property taxes are collected. Mrs. Mendick said it is usually 20 days out of the year. She said it is not very often. Councilman Davis said she has seen many of the names previously, indicating she knows the work that they do and they are experienced and at \$7.76 an hour she feels they are the best bargain in Town. She noted they are truly underpaid and they are very highly valued employees. She said they are also very reliable. Mrs. Mendick totally agreed.

The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Lenhardt, Mrs. Davis, Mr. Johnson,
Ms. Burns.
Noes: None.

Comptroller
Cable Admin-
istrator
approve
transfer
Cablevision
System Assets
to Time Warner
and Resolution

The next item was a request from Judith Kehoe, Comptroller/Cable Administrator, to approve the transfer of Cablevision System Assets to Time Warner. Supervisor Fuller said the 120 day approval had been discussed previously and the fact that the Board could wait until after the PSC decision. She noted the Board's 120 days is up on September 2nd due to the fact the Town received the application prior to the Public Service Commission. She said they have a few more days to ponder the decision. She said the Board needs to take action and failure to take action will result in automatic granting of the approval to the transfer anyway. She said in the unlikely event PSC denies the request, the resolution would have no impact since the entire transfer is contingent upon the PSC approval.

RESOLUTION PROVIDING FOR THE TRANSFER AND ASSIGNMENT
OF A CABLE TELEVISION FRANCHISE

WHEREAS, the Town of Bethlehem, New York ("Franchisor") has granted A-R Cable Services, Inc. ("Transferor") or its predecessor in interest, a franchise to operate a cable television system via a Franchise Agreement dated September 25, 1992 (the "Franchise");

WHEREAS, Transferor has entered into an Asset Exchange Agreement (the "Exchange Agreement") with Time Warner Entertainment Company, L.P. ("Time Warner"), pursuant to which Transferor will transfer substantially all of the assets of its cable television system servicing the communities in and around Bethlehem, New York (the "System"), including its rights under the Franchise, to Time Warner as transferee;

WHEREAS, Time Warner may ultimately assign its rights under the Franchise and to the System to Time Warner Entertainment-Advance/Newhouse Partnership ("TWEAN"), an affiliate of Time Warner;

WHEREAS, Transferor and Time Warner have filed a Form 394 with Franchisor relating to the transfer of the Franchise to Time Warner;

WHEREAS, the Franchise requires Franchisor's consent to any transfer or assignment of the Franchise, and provides that such consent will not be unreasonably withheld; and

WHEREAS, Transferor and Time Warner have requested Franchisor's consent to the transfer and assignment of the Franchise by Transferor to Time Warner and, thereafter, by Time Warner to TWEAN;

NOW, THEREFORE, BE IT RESOLVED BY the Town of Bethlehem:

1. Franchisor authorizes and consents to the transfer and assignment of the Franchise from Transferor to Time Warner, and, if applicable, from Time Warner to TWEAN. Time Warner (or TWEAN, if it shall be the ultimate transfer), shall assume the obligations of Transferor under the Franchise that relate to periods from and after the date on which Time Warner acquires the System. The Assignment shall not impair any rights of the franchise.
2. With respect to the franchise fee review currently being performed by the PSC, for the franchise period from 1993 through June 30, 1998, Time Warner/TWEAN agree to assume any financial obligation to pay franchise fees which may

be due and payable to the Franchisor upon completion of the review.

3. The foregoing consent to the transfer and assignment of the Franchise shall be effective upon Time Warner's acquisition of the system, at which time Franchisor automatically shall be deemed to have released Transferor from all obligations and liabilities under the Franchise that relate to periods from and after such date. Notice of the date of Time Warner's acquisition of the System shall be given to Franchisor.
4. Franchisor confirms that: (a) the Franchise was properly granted; (b) the Franchise currently is in full force and effect and expires on August 1, 2001; (c) Transferor is recognized as the present holder and owner of the Franchise; (d) the Franchise supersedes all other agreements between Franchisor and Transferor and represented the entire understanding between Franchisor and Transferor with respect to the system and Transferor's provision of cable television and other telecommunications services within the areas covered by the Franchise; (e) To the best of our knowledge, the Transferor is in compliance in all material respects with the Franchise; and (f) no event has occurred or exists that would constitute a default under the Franchise or that would permit Franchisor to revoke or terminate the Franchise.

The motion to adopt the resolution was made by Mr. Johnson, was seconded by Ms. Burns and duly adopted by the following vote:

Ayes: Mrs. Fuller, Mr. Lenhardt, Mrs. Davis, Mr. Johnson,
Ms. Burns.
Noes: None.
Absent: None.

The next item was a request from David Austin, Administrator of Parks & Recreation Department, for appointment of seasonal personnel.

The motion was made by Mrs. Davis and seconded by Mr. Lenhardt to approve the appointment of seasonal personnel as recommended by Administrator, David Austin, Parks and Recreation Department as follows:

Parks and
Recreation
request
seasonal
personnel

Recreation Instructor I at a rate of \$5.15 per hour.

Richard J. Bailey, Jr.
309 Bender Lane
Glenmont, NY 12077

Catherine R. Hartman
9 Jordan Boulevard
Delmar, NY 12054

Recreation Instructor III at a rate of \$9.45 per hour.

Bonnie P. Goldsmith
13 Glendale Avenue
Delmar, NY 12054.

The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Lenhardt, Mrs. Davis, Mr. Johnson,
Ms. Burns.
Noes: None.

The following item was a request from Bruce Secor, Commissioner of Public Works, to pass a resolution and give public notice, to authorize the expenditure of funds from the General Fund Capital Reserve Account for the purchase of property on Rupert Road.

Supervisor Fuller said the purchase was approved about a month ago and now the permissive referendum must proceed for the purchase of the property.

Resolution and
public notice
from Commissione
of Public Works
expenditure of
funds for
property on
Rupert Road

RESOLUTION AND PUBLIC NOTICE

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 26th day of August 1998, duly adopted, a resolution as follows:

WHEREAS, the Town Board of the Town of Bethlehem has determined that it is in the public interest to purchase land on Rupert Road adjacent to the Rupert Road Solid Waste Management Facility to establish a permanent buffer zone to residential areas; and

WHEREAS, it is estimated that the costs of said purchase will be approximately \$73,000 if all 47 acres are acquired; and

WHEREAS, in recognition of these needs, funds for such purpose are in the General Fund Capital Reserve; and

NOW, THEREFORE, BE IT RESOLVED that it is in the public interest to complete this purchase; and

BE IT FURTHER RESOLVED, that the Town Board authorizes the expenditure of the reserve moneys to fund this project up to a maximum amount of \$73,000; and

BE IT FURTHER RESOLVED, that the Town Comptroller is authorized to expend from the General Fund Capital Reserve the funds necessary up to \$73,000 in said reserve fund; and

This resolution shall be subject to a permissive referendum, as permitted by law.

The motion to adopt the resolution was made by Mr. Lenhardt, was seconded by Mrs. Davis and duly adopted by the following vote:

Ayes: Mrs. Fuller, Mr. Lenhardt, Mrs. Davis, Mr. Johnson,
Ms. Burns.

Noes: None.

Absent: None.

The next item was a request from Commissioner of Public Works, Bruce Secor, for improvements for Water District No. 1; replacement of 12" watermain-supply to North Bethlehem; and Year 2000 compliance - New Salem Water Purification Plant.

Commissioner of
Public Works
request for
improvements
for Water
district No. 1
replacement
of 12" water-
main supply
Year 2000
compliance
Resolution and
public notice

Supervisor Fuller said there have been several water main breaks in North Bethlehem in recent years. She said the age of the pipe indicates it needs to be replaced and the preference is to do it now before the Slingerlands Bypass extension. Cost for this improvement, according to the Supervisor, would be about \$30,000. She said the second item is the ongoing efforts for the year 2000 compliance. She said the software needs to be updated. She asked if there were any questions.

Councilman Davis asked Mr. Secor if the 12 inch water main is enough. Mr. Secor said the size is sufficient, the problem is that the pipe has been corroded from the outside in. He said the pipe line passes through acidic soils and the outside of the pipe is corroding. He said it looks like swiss cheese. Councilman Davis asked if a new kind of pipe is available. Mr. Secor said the new pipe is going to either be ductile iron with a coating on it to protect it or polyethylene pipe. He said basically this is for engineering services. He said they have to study the alternatives, noting the clay hill by the apartments is moving. He said they have to relocate the main and this requires submission of plans to the New York State Health Department and the Albany County Health Department. He said they have to go through approvals from NYS Department of Transportation, replace the pipe crossing through the Normanskill. He said if the pipe is deteriorated, noting there has been 3 breaks right next to the Normanskill, if it breaks under the Normanskill in the middle of winter, it is a big problem. He said there is an interconnection with Guilderland for emergency services. He said North Bethlehem would not be without water or fire prevention but he feels this should be done now. He said with the project going forward now, it will save \$30-\$40,000 because the current road is 2 lane and the future improvement will be a 4 lane highway and can be done in conjunction with the State work. Total project, according to Mr. Secor, is about 5,000 feet of pipe and it will be in the \$200-300,000 range.

Following the receipt of the engineering work, the project will come back to the Board, Mr. Secor said. Councilman Davis said there will be a lot of people happy to see this particular piece of highway and bridge work is now on the books and definitely considering the amount of traffic in the area.

Councilman Davis said second, the question is on the year 2000, computer certification. She asked if they will provide training for the staff. Mr. Secor said it was included. He said they talked about a dozen different specialty houses, both supply software and do process controls programming. He said in that is in-service training once it is up and running. He said the computers are the same everyone uses, the problem is the software and getting the computers to talk through the instruments and pieces of equipment. He said the New Salem Plant is mostly mechanical.

Councilman Lenhardt asked how many pc computers would be purchased. Mr. Secor said there is one pc that runs the whole thing and a backup. He said it will be 2 pcs and noted the computers are on State contract. Councilman Davis said she just wanted to make sure that if this is approved, there wouldn't be money requested for the training. Mr. Secor said this would take care of all of that.

Councilman Burns asked Mr. Secor in regard to the computers, how much money is in the Water District Capital Reserve Fund. Mr. Secor said there is about \$600,000. He said 7 or 10 years ago the Town Board set a policy that wherever we could, we would take moneys and put them into reserve funds so we did not have to continue to go out and borrow money for things that came up. He said as an example, we know every 10 years we have to paint a tank and it costs \$100,000 to paint the tank. He said he can't budget that in one year, but he can budget \$10,000 a year and save up towards that. He said those are the types of things that the reserves are used for. He said this also saves the Town running to the bond market for \$100,000 or \$200,000. He said the overhead fees of bond counsel, the updating of the financial statement and other things in regard to borrowing money, this saves the Town a lot of fees.

Councilman Burns asked if this will go out to bid. Mr. Secor said the year 2000 compliance is professional services so a number of requests for proposals will be made. Mr. Secor said this is a professional services contract. Councilman Burns asked about the replacement of the water main, whether they are voting on the cost for the engineering review, design and permit application. Mr. Secor said the construction itself may cost \$200-300,000 but until the engineer's report is received, he does not want to ask the Board to approve basically a blank check. He said he would not ask that this be done. The report will be presented, they will give a recommendation as to which route should be taken and all the things that should be done, according to Mr. Secor, and it will be up to the Town Board then to address the next step. He said that would be the actual replacement and construction and that would be put out to public bid. Councilman Burns asked if this was a service. Mr. Secor said this is professional services and he will solicit proposals from a number of firms. Councilman Burns said she did not remember if she asked but the \$30,000 will come out of the reserve fund also. Mr. Secor said this was correct.

RESOLUTION AND PUBLIC NOTICE

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 26th day of August 1998, duly adopted a resolution as follows:

WHEREAS, the Town Board of the Town of Bethlehem has determined that it is in the public interest to have prepared an engineering plan report and estimate of costs for replacement of the 12" water main between New Scotland Road and Meadowbrook Drive, including the crossing under the Normanskill Creek and further more to replace the 12 year old computer system and software program at the New Salem Water Purification Plant to provide Year 2000 compliance and modernize the SCADA system; and

WHEREAS, it is estimated that the costs of said work will be approximately \$30,000 for the 12" water main design and \$30,000 for the computer replacement and Year 2000 compliance; and

WHEREAS, in recognition of these needs, funds for such purpose are in the Water District Capital Reserve; and,
 NOW, THEREFORE, BE IT RESOLVED that it is in the public interest to complete this purchase; and

BE IT FURTHER RESOLVED, that the Town Board authorizes the expenditure of the reserve moneys to fund these projects up to a maximum amount of \$60,000; and,

BE IT FURTHER RESOLVED, that the Town Comptroller is authorized to expend from the Water District Capital Reserve the funds necessary up to \$60,000 in said reserve fund; and

This resolution shall be subject to a permissive referendum, as permitted by law.

The motion to adopt the resolution was made by Mr. Lenhardt, was seconded by Mrs. Davis and duly adopted by the following vote:

Ayes: Mrs. Fuller, Mr. Lenhardt, Mrs. Davis, Mr. Johnson,
 Ms. Burns.

Noes: None.

Absent: None.

Superintendent
 of Highways
 go to bid
 for biodegradable
 paper and
 resolution

The next item was a request from Gregg Sagendorph, Superintendent of Highways, to go to bid for biodegradable paper bags. Could advertise on September 2, 1998 and open bids on September 14, 1998 at 3pm.

The following resolution was offered by Ms. Burns and seconded by Mr. Johnson:

WHEREAS, the Town desires to advertise for bids for the purchase of biodegradable paper bags, pursuant to law,

NOW, THEREFORE, BE IT RESOLVED, that the Town Clerk advertise for such bids in THE SPOTLIGHT issue on the 2nd day of September, 1998 and that bids be received up to 2:00 p.m. on the 14th day of September, 1998 at which time the bids will be publicly opened and read.

The resolution was adopted by the following vote:

Ayes: Mrs. Fuller, Mr. Lenhardt, Mrs. Davis, Mr. Johnson,
 Ms. Burns.

Noes: None.

Local Law
 amending
 code set
 time limit
 parking on
 Grantwood
 Drive and
 Wakefield

The following item was a recommendation from the Chairman, Traffic Safety Committee, for consideration of Local Law amending the Code of the Town of Bethlehem, Vehicle and Traffic, to set time limit parking on Grantwood Drive and Wakefield Court. Could advertise on September 9, 1998 and hold public hearing on September 23, 1998.

The motion was made by Mrs. Davis and seconded by Ms. Burns to hold a public hearing on September 23, 1998 at 7:30 p.m. to consider proposed Local Law amending the Code of the Town of Bethlehem, Vehicle and Traffic, to set Time Limit Parking on Grantwood Road and Wakefield Court. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Lenhardt, Mrs. Davis, Mr. Johnson,
 Ms. Burns.

Noes: None.

Sherwood Davies
 in regard to
 water system

Supervisor Fuller asked if anyone wished to address the Board. Mr. Sherwood Davies said he would like to make a couple comments and ask a couple questions in regard to the water system.

MR. DAVIES: Mr. Alessi, the Bethlehem Town Attorney, entered into a stipulation and agreement with the attorneys for Rust and Fraser. One of the stipulations was that they would pay for the new test well and the test well would begin... they'd begin installation of the

test well by July 2nd of 1998 and that it would be completed by August 20th. That was a week ago. It is also stipulated that if it was not completed by August 20th the Town may proceed with the installation and pay for the costs. My first question is, has the well been completed and if not, has the Board considered proceeding to get it installed?

SUPERVISOR FULLER: Sherwood, as of 15:48 this afternoon on the fax machine came from O'Brien and Gere a report on the test well. I will give you a copy of this for your information. The Board has just received it tonight. I believe that it has been... the pump test was started on August 18th, the pump is still operating, actual pumping rate is 360 gallons a minute. At this time, the plan is to continue the pumping through the week of August 24th through 28. Following completion of the pumping test, some additional background water data will be collected. This data is necessary in order to interpret pump test data.

MR. DAVIES: Okay. Thank you. That's encouraging.

SUPERVISOR FULLER: And, here you are.

MR. DAVIES: Thank you. The second comment and question. The State Health Department requires that a water emergency plan be developed by the Town. This is some 7 or 8 years overdue. I understand that Maley consulting engineer for the Town has prepared a draft plan and it has been submitted to the State. Have the Board Members seen the plan and is the plan available for review? I think this is important because there is a requirement in the State Health Department regulations that the emergency plan be made available for public comment and that there has to be in the Spotlight or newspaper an ad that it has been prepared so it seemed to me to be most appropriate, if there is a draft plan, to at least get some preliminary comments before you attempt to finalize the plan. So, has any Board Member seen the plan?

COUNCILMAN BURNS: I have not.

COUNCILMAN LENHARDT: I have not.

SUPERVISOR FULLER: Do you want to comment on the plan?

MR. SECOR: Yes, the draft... we tried to do the plan in house and we just didn't have the staff or time to do it. We hired C.T. Male, they produced a draft which was brought in. We gave some additional information to them, it was sent back to C.T. Male for revisions. It is more nearly complete when it was sent back to us, I forwarded it to the Department of Health for their comments -- I gave them a copy. I sent the original back to C.T. Male to take care of some typos and stuff. I don't have a copy of it right now, it is back up to C.T. Male. I am waiting for the Health Department to get their comments back and then we will put it on public review. I mean, we are just trying to get the typos out and get the draft plan done and then it will get to you.

I mean basically the draft plan says if you have a water main break, fix it. If the water is off in part of the Town, turn on the emergency connection. I mean, Sherwood, there is nothing earth shaking in this whole thing.

MR. DAVIES: If that's all the plan says, I think Mr. Secor had better look at the requirements and what we are facing in the future. But, if it's not available, then I assume I will go to the State and get a copy. I am sure they've got it. But, Mr. Secor doesn't keep a copy. That is most amazing.

That leads me into the next comment and question. Since May 1st of this year, the Town has purchased from the City of Albany about 66 percent more water than they did in the same period last year. The City of Albany increased the amount of water that could be purchased on a weekly period from 4.2 million gallons to 9.0 million gallons. In the last week of July, Bethlehem exceeded the 9 million gallons and for about 70 percent of the time, they have exceeded the 4.2

million gallons since about May 15th. All this says is that Bethlehem has a serious water problem. If you recall last year, O'Brien and Gere sent to Mr. Secor, it was made available to the Board Members, and they recommended that Bethlehem make an evaluation of the water quality, the cost, look at the water quantity and regulatory constraints.

I had mentioned this previously and I would like to reiterate it again, because I sincerely believe we will be facing a water problem. Will an engineering report be prepared in accordance with O'Brien and Gere's recommendation considering these 3 concerns. And, I think the Board should consider this, act on it and direct Mr. Secor to initiate preparation of a plan by some consulting engineer, otherwise, I sincerely believe if the City of Albany runs into water shortages or that they don't want to continue to provide sufficient amount of water to the Town of Bethlehem, we will face a problem. Thank you.

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Mrs. Capone
addressed 2
questions
to Ms. Burns

Supervisor Fuller asked if anyone else wished to address the Board. Mrs. Capone said she would like to ask 2 questions of Ms. Burns. A while back, Mrs. Capone said, she said in front of the Town Board that information was withheld from her. She said Ms. Burns was given a document 5 minutes before the meeting. She asked if this document was what Sherwood gave her? Ms. Burns said no, and then said she was not sure what document Mrs. Capone was referring to, asking her if she remembered. Mrs. Capone said Ms. Burns said she was just given the document as she entered the auditorium. Mrs. Capone said she guessed it was Sherwood who gave her the document. Ms. Burns said she believed... she thought if her memory was correct, it was a letter, a March letter perhaps or May letter. Mrs. Capone said it was a document that Sherwood thanked Mr. Kaplowitz for giving him 10 days earlier. Mr. Davies said he got it the same day. Mrs. Capone said he read an opinion on the water. She asked if Mr. Davies wrote what Ms. Burns was reading. Ms. Burns said absolutely not.

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Ms. Burns requested
draft of emergency
plan from Mr.
Secor

Supervisor Fuller asked if anyone else wished to address the Board. Councilman Burns said she would kindly request from Mr. Secor a draft of the emergency plan. Mr. Secor said as soon as he receives it back from C.T. Male, indicating he would call them in the morning. He said he marked it up and rather than copy it, he gave it to C.T. Male to type it up and get it back to him. He said as soon as he got it back, he would give it to the Board. Ms. Burns thanked Mr. Secor.

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The motion was made by Mr. Lenhardt and seconded by Mrs. Davis to adjourn the regular Town Board meeting at 8:10 p.m. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Lenhardt, Mrs. Davis, Mr. Johnson,
Ms. Burns.

Noes: None.

Kathleen A. Newkirk
Town Clerk