

TOWN BOARD  
AUGUST 27, 2003

A public hearing 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  
Daniel G. Plummer, Councilman  
Thomas Marcelle, Councilman  
Kathleen A. Newkirk, Town Clerk  
Robert J. Alessi, Esq., Town Attorney

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SUPERVISOR FULLER: Good evening and welcome to a meeting of the Bethlehem Town Board. Please join us in the pledge of allegiance.

The first item on tonight's agenda is the public hearing to permit stop intersections on Orchard Street at Fisher Boulevard. I will ask the Clerk to read the call of the hearing.

TOWN CLERK NEWKIRK:  
NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a public hearing will be held by the Town Board of the Town of Bethlehem on the 27th day of August, 2003 at 7:30 p.m. to consider a proposed Local Law Amending the Code of the Town of Bethlehem as follows:

AMEND VEHICLE AND TRAFFIC ARTICLE VI, Section 119-33, Schedule VII, Stop Intersections as follows:

ADD: Stop signs on Orchard Street at its intersection with Fisher Boulevard from both directions.

All interested persons and citizens will have an opportunity to be heard at the said hearing.

The Town of Bethlehem provides reasonable accommodations for the disabled. Disabled individuals who are in need of assistance in order to participate should contact Nan Lanahan at 439-4131. Advanced notice is requested.

BY ORDER OF THE TOWN BOARD  
TOWN OF BETHLEHEM  
KATHLEEN A. NEWKIRK, CMC, RMC  
TOWN CLERK

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State of New York)

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County of Albany )

BRENDA WIESBICKI of the Town of Bethlehem, being duly sworn, says that she is the RECEPTIONIST for THE SPOTLIGHT, a weekly newspaper published in the Town of Bethlehem, County of Albany, and that the notice of which the annexed is a true copy, has been regularly published in said THE SPOTLIGHT ONCE A WEEK FOR 1 WEEK consecutively, commencing on the 13th day of August 2003.

/s/ Brenda Wiesbicki

Sworn to before me this 14th day of August 2003.

/s/ Sharon A. Doldo

Notary Public, Albany County

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

KATHLEEN A. NEWKIRK, being duly sworn, deposes and says that she is the Town Clerk of the Town of Bethlehem, Albany County, New York and that I posted on August 13, 2003, a Notice of Public Hearing, a copy of which is hereto attached, on the sign board of the Town maintained pursuant to subdivision six of Section thirty of the Town Law.

/s/ Kathleen A. Newkirk  
Town Clerk

Sworn to before me this  
19th day of August 2003.

/s/ Julie S. McNeil

Notary Public

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The motion was made by Mrs. Davis and seconded by Mr. Marcelle to indent the Notice of Public Hearing, Affidavit of Publication and Affidavit of Posting on the minutes of the meeting. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Lenhardt, Mrs. Davis, Mr. Plummer, Mr. Marcelle.

Noes: None.

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SUPERVISOR FULLER: As you know, we had residents request that we take a look at the intersection. Are there any residents here this evening from Fisher Boulevard, Orchard, Delaware Avenue?

MRS. CAPONE: I'm Delaware Avenue.

SUPERVISOR FULLER: Out there. Out by the Mansions. Okay, well, is there anyone wishing to speak in favor of adoption of placing the stop sign on Orchard at Fisher? Make

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sure I have the right location – stop sign on Orchard at its intersection with Fisher Boulevard from both directions.

MRS. CAPONE: What was your criteria? Did you look at the sight line? The line of vision and did you have a counter box?

SUPERVISOR FULLER: No, the police have been out there quite a bit and the residents were concerned because they would each meet at the intersection of Fisher and Orchard, one thinking the other would stop when the other didn't stop and they were requesting the signage.

MRS. CAPONE: Do you have accident report over there?

SUPERVISOR FULLER: No, we do not, just a request for signage.

MRS. CAPONE: Oh, so, basically there was no reason but to please the people.

SUPERVISOR FULLER: That's usually how we try to help them.

MRS. CAPONE: No, not when there was a Traffic Safety. Everything was looked at.

SUPERVISOR FULLER: We don't have Traffic Safety and we...

MRS. CAPONE: No, we don't, we know that. It was very efficient for 12 years. Hopefully, Mr. Catalano will bring it back.

COUNCILMAN DAVIS: The reason we're here is to please the people. That's what we are here to do. We're here to govern and please the community.

COUNCILMAN LENHARDT: Particularly myself, living near that intersection from the day it was opened fully through to Delaware Avenue. It's so wide open there, 2 stop signs are very difficult to see and it's a disaster waiting to happen. I know Orchard has always been a through road but I think that's the clearest alternative to avoiding some catastrophe.

COUNCILMAN DAVIS: I've personally witnessed to almost accidents and they would not have been nice. And, what's interesting is the people who requested it are not from that area. They do not live on Orchard or Fisher or the immediate neighborhood. They live in areas that are really quite a distance from... one is in Glenmont and the other is in another area of Slingerlands.

SUPERVISOR FULLER: Down the street.

COUNCILMAN DAVIS: So, it's not from the immediate neighborhood which I think indicates that people who travel in that area are aware of it as well.

SUPERVISOR FULLER: Is there anyone wishing to speak in opposition? May I have a motion to close the public hearing.

The motion was made by Mr. Lenhardt and seconded by Mrs. Davis to close the public hearing at 7:37 p.m. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Lenhardt, Mrs. Davis, Mr. Plummer, Mr. Marcelle.

Noes: None.

Absent: None.

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Town Clerk

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Supervisor Fuller convened the regular Town Board meeting following the close of the public hearing. She asked for a vote regarding the proposed local law regarding stop intersection at Orchard and Fisher.

The motion was made by Mrs. Davis and seconded by Mr. Lenhardt to adopt the proposed Local Law amending the Code of the Town of Bethlehem, Vehicle and Traffic, Stop Intersections, adding stop signs in both directions at the Orchard Street and Fisher Boulevard intersection. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Lenhardt, Mrs. Davis, Mr. Plummer, Mr. Marcelle.

Noes: None.

Absent: None.

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Supervisor Fuller noted the next hearing was to begin at 7:45 p.m. and therefore, asked Mr. Secor to give an over view of his item which was to consider an approval of an increase and improvement of facilities for Water District No. 1 as recommended in the report from O'Brien and Gere engineers, dated June 2003.

Mr. Secor said on July 9, 2003, the Town Board conducted a public hearing on the proposed improvements to the water system. He said the presentation was by O'Brien and Gere. He said the public hearing was closed and paper work went forward, including the Memorandum prepared regarding the next steps to be taken. He said what is proposed is a 13.3 million dollar project which is a project common to all of the alternatives which were studied and recommended to the Town Board. He said this is a piece of the puzzle in so far as improving the water system with improvements to the existing New Salem water purification plant, new water storage tank to make chlorine content times that are necessary under the new regulations and a new transmission main into Town so peak flows can be met.

Mr. Secor said if the Board is willing to move forward with this, the first item would be to consider the State Environmental Quality Review Act and noted he prepared

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an environmental assessment form. He said he believed this project was an unlisted project and the Town Board can act upon it. He said after speaking with Town Attorney, Robert Alessi, he thinks it would be necessary for the Town Board to simply declare itself as the lead agency and then there is a prepared negative declaration noting this is the reconstruction and repairs to the existing plant and replacement of an existing water line along a State road, he feels there are minimal impacts for this and recommending that the Town Board make a negative finding for the State Environmental Quality Review Act. He said if the Board is in agreement with that, this can then move forward with the resolutions to approve the project and then the bond resolution. He noted there was an error in the bond resolutions, noting it should show 13 million 300 thousand not 13 million 500 thousand. He said this was a typo.

Supervisor Fuller asked if there were any questions. Councilman Plummer said he wanted to understand the process, asking what happens next. He said the consulting engineer will go forward and do the design work under the specifications of their recommendation. Mr. Secor said this was correct. Mr. Plummer asked how long this would take. Mr. Secor said there is probably a 6 month to a 9 month period for this preliminary design. He said they have to sit down with the State and County Health Departments to make sure that their vision of the future is the same as the Town of Bethlehem's before proceeding into a lot of detail design. He said in the resolution, it calls for the Town to prepare definite plans and specifications, noting this will be done in a series of steps. He said the preliminary design will come back to the Town Board and then look to move forward with the detailed design. He said once the detail design is done, it has to come back to the Town Board again, be presented and if approved, authorization of construction bids to be done. Mr. Secor said once the bids are done, they would come back to the Town Board and the construction contract could be awarded. He said this will come back to the Town Board. He said the time frame for this will take 6 to 9 months to get through the preliminary stage and maybe as much as a year, depending on how much give and take there is with the State Health Department. He said the final detail design would take probably another 4 or 5 months, the end of 2004.

Councilman Plummer asked if there was anything in this information that ties the Town Board to a specific time frame of having to do certain aspects of this project. Mr. Secor said there is not. He said the resolution approving does not have a time frame in it. He said it only authorizes the move forward with the project. He said the bond resolutions authorize the borrowing of up to 13.3 million dollars. He said they do not borrow anything until they need it. He said that would really be up to the Comptroller, noting it would start with bond anticipation notes and then work into the permanent bonds after all the costs were known. Councilman Plummer asked if something unforeseen were to happen, the Board is not locked into this. Mr. Secor said that was correct. He said each phase of this comes back to the Town Board and no money can be expended without the Town Board specific approval.

Councilman Plummer said another thing he wanted to understand if a long term contract with the City of Albany was factored into the engineer's review. He asked if what is being proposed or discussed with the City change anything or is it in concert with

the recommendation that they made. Mr. Secor said it was in concert with it. He said it does not change anything and what is being proposed to the City and what is being talked about is completely in coordination with the long term study. Mr. Plummer asked if this was even with the proposal from the City. Mr. Secor said what they are proposing and this will be discussed later, is in general conformance with what they are looking for. Mr. Plummer said that was important to the whole equation. Mr. Secor said it absolutely is and again, the best thing here is that the plan that O'Brien and Gere has recommended to the Town Board which he thinks is a very good one, gives the Town this 13.3 million dollar project which is common to all alternatives. He said there is no risk to the Town. He said there is not a single dollar to be spent that would not have been spent under any of the other alternatives. Mr. Secor said the Albany option, if that is what the Town winds up with, requires no additional capital expense. He said that is a very, very good option compared to some of the others which require multi-million dollar investments. Mr. Plummer said he understands this but it is just a lot of money. Mr. Secor said the majority of the money is for upgrading an existing water purification plant which there has not been any large expenditures on in 30 or 40 years. He said it is time and a lot of what is driving this is changes in regulatory requirements. He said the plant when it was built back in the 1960s met the standards that were in effect at that time. He said the challenge now is to take that plant and bring it into the future not only meeting today's standards but looking down the road 10 or 15 years to make sure we can meet things that are at this point foreseeable. Mr. Plummer thanked Mr. Secor.

Town Attorney Alessi said he had 2 points to ask in a different way to get to the same point. He said he understands what has been said tonight and previously that no matter which alternative the Town Board would choose, the work that would be the subject of this money has to be done for any of the alternatives. Mr. Secor said that was correct. Mr. Alessi said by taking this action tonight, it does not constrain any of the alternatives, noting it does not favor one alternative over another. Mr. Secor said this was correct. Mr. Alessi said something has to be done and no matter what is done, this is part of the first step toward what is done eventually. Mr. Secor said that was correct. Mr. Alessi said mention was made about something happening in 6 to 9 months, asking between now and the next period of time if there would be any expenditure of money for projects taken in furtherance of what is happening at this meeting. Mr. Secor said again another item on the agenda is to ask for authorization from the Board to sign a supplemental contract with O'Brien and Gere. He said it is about a \$200,000 proposal to do this preliminary design. Mr. Alessi said this was for design work and furtherance of more study, not any money to go to hard costs. Mr. Secor said no, there are no hard costs yet. Mr. Alessi said if in 6 to 9 months the Town Board were to, perhaps, look at a change circumstance or some other factor that comes in, the Town Board can take a look at where they are at that point and make appropriate changes on a going forward basis. Mr. Secor said this was correct. Mr. Alessi asked whether anything tonight would prevent the Board from doing so. Mr. Secor said that was correct.

Councilman Lenhardt commented to Mr. Secor that they had had their discussions lately and he fully concur with what was discussed and his explanation but said he, as well as, other Members of the Board have been approached by representative of another

engineering outfit that wanted to have an opportunity for the design phase of this and asked Mr. Secor to reiterate how the engineering firm was chosen. Mr. Secor said some time ago, last year or the year before, he gave the Board a copy of a request for proposals and it was really a scope of services for engineering services that had been prepared. He said they looked at a dozen firms and selected 4 firms to interview. He said they brought each firm individually up to the water purification plant, sat down with their principles, went over what was being looked for and asked the firms to give a specific proposal showing the personnel and the expertise they would be bringing if they were to be given the work. Mr. Secor said each one came back and there 5 well written proposals. He said there are a lot of very well qualified engineering firms and it was a hard decision. He said based on all of that, it was their feeling and the Chief Water Plant Operator, the Deputy Plant Operator, Mike Cirillo of the Engineering Division and himself that interviewed all of the potential candidates. He said it was the consensus of the group that O'Brien and Gere offered the best mix of technical expertise and really an independent and fresh viewpoint. He said they selected them and as he pointed out in the Memorandum to the Board, he thinks they are very happy with them. He said just as a comparison and this has already been presented to the Board, the previous engineering studies that have been done, have put 4 to 5 million dollars of costs as a capital expense that would be needed if we were to buy additional water from the City. He said O'Brien and Gere in taking their approach and looking at the past studies and things, questioned the real need for that. He said the proposal they have come up with, completely eliminates that 5 million dollar of capital expense. He said before anything else is done, they have saved the Town 5 million dollars. He said whether another engineering firm, if they had been selected, would have come up with that same approach or not, he could not say. He said he does know that O'Brien and Gere did take a fresh look at it. He said they were looking for that kind of independent review and he thinks they were served very well. He said they have come up with a proposal which is different from other proposals that have been presented to the Board in terms of options. He said he thinks this is very efficient and is very risk free. He said that was the basis and on the basis of that also, as he put in the Memorandum, developing the study to date there is a lot of staff time, research that went into this and a lot of staff time on O'Brien and Gere. He said there is a learning curve, noting we have invested a lot of time in them and they have invested a lot of time in us. He said if they had been unhappy with their performance or unhappy with the results of that, they could have reopened the process and gone back through the review and tried to look at other firms. He said he thinks this was a good choice, however, not saying that no one else could have done it but the choice that they made is a very good choice and he thinks they have done a very good job for the Town. He said he would recommend continuing to move forward with them.

Supervisor Fuller asked if anyone else had any questions or comment. Councilman Marcelle commented, in order to understand, basically this is to approve authorization for the bond at this meeting but the actual amount used of all of that is subject to approval by the Comptroller and the Town Board at that time. Mr. Secor said each step of this will have to come back before the Town Board before a single construction dollar can be spent. He said the Town Board has to approve the plans, authorize going out to bid and even after the bids have been accepted, it has to come back

to the Town Board for the Town Board to award those bids. He said the Town Board keeps control of this process through every step. Councilman Marcelle said basically in 100 days, at least 40 percent of this Board was going to change, potentially up to 80 percent and he said it gives him a measure of comfort that we are not binding the future composition with what is being done. He said as Councilman Plummer said, this is a big bite and he thinks this is good the way it is being done. He said it is good that at each step there is a review process by the Board and the Comptroller.

Supervisor Fuller asked for a motion to go forward with the project as proposed by Mr. Secor.

The motion was made by Mr. Marcelle and seconded by Mr. Lenhardt to approve the Negative Declaration for SEQR for the increase and improvement of facilities for Water District No. 1 as recommended in the O'Brien and Gere report. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Lenhardt, Mrs. Davis, Mr. Plummer, Mr. Lenhardt.

Noes: None.

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The following resolution was presented for adoption by Mr. Lenhardt and seconded by Mr. Marcelle approving the increase and improvement of facilities for Water District No. 1:

IN THE MATTER OF THE  
INCREASE AND IMPROVEMENT OF FACILITIES OF  
WATER DISTRICT NO. 1, IN THE TOWN OF BETHLEHEM, IN THE COUNTY OF  
ALBANY, NEW YORK PURSUANT TO  
SECTION 202-B OF THE TOWN LAW

RESOLUTION AND  
ORDER AFTER PUBLIC HEARING

WHEREAS, the Town Board of the Town of Bethlehem (herein called "Town") in the County of Albany, New York, has heretofore caused O'Brien & Gere Engineer, Inc., competent engineers duly licensed by the State of New York (herein called "Engineers:") to prepare a map and plan, dated June 2003, for the INCREASE AND IMPROVEMENT OF FACILITIES for Water District No. 1 (herein called "District"), consisting of improvements, modernization and modifications to the existing New Salem Water Purification Plant and related water supply facilities; construction of a new water transmission main from the purification plant to the Town's construction of a new finished water storage tank at 2219 New Scotland Road; along with associated buildings, land or rights in land, furnishings, equipment, machinery and apparatus required therefore, at the estimated total cost of \$13,300,000; and

WYHEREAS, the Engineers completed said map and plan and filed same with the Town Board, and the Town Board thereafter adopted an Order describing in general

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term sthe proposed increase and improvement of the facilities, specifying the stimated cost thereof; and stating that the Town Boad would meet to hear all persons interested in said increase and improvement of facilities at a public chearing on July 9, 2003 at 7:30 P.M. (Prevailing Time) at the Town Hall, 445 Delaware Avenue, Delmar, New York in the Town;’ and

WHEREAS, copies of such Order, certified by the Town Clerk were duly published and posted pursuant to the provisions of Article 12 of the Town Law ; and

WHEREAS, such public hearing was duly held by th eTown Board on the 9th day of July, 2003 at 7:3 p.m. (Prevailing Tim) at the Town Hall, 445 Delaware Avenue, Delmar, New York, in the Town and considerable discussion on the matter having been had and all pesons desiring to be heard having been heard, including those in favor of and those in opposition to said increase nad improvement of the facilities;

Now, therefore on the basis of the information given at such hearing, it is hereby DETERMINED that is in the public interest ot incfrfrease and improve the facilities of the District as hereinablove described and referred to at the estimated total cost of \$13,300,000; and it is hereby

ORDERED, that the facilities of the District shall be so increased and improved at the said \$13,300,000 cost therefore, and the Engineers shall prepare definite plans and specifications and make a careful estimate o fthe expense, and with the assistance of the Town attorney or an attorney employed for that purpose prepare a proposed contract for the execution of the work, which definite plans, spevficiations, estimates and proposed contract shall be presented to the Town Board for approval as soon as they are completed; and it is hereby

ORDERED, that the Supervisor is authorized and directed to take all actions necessary to apply for and obtain any and all permits from the New York State Department of Health, New York Sytate Department of Environmental Conservation and any other permitting agencies; and it is hereby

FURTHER ORDERED, that the expense of said increase and improvement of facilities, shall be financed by the issuance of \$13,300,000 serial bonds of the Town, and the costs of said facilities including payment of the principal of and interest on said bonds shall be paid by the assessment, levy and collection of assessments upon the several lots and parcels of land within the istrict on a ad valorem baisis, in the same manner and at the same time as other Town charges; andit is hereby

FURTHER ORDERED, that the Town Clerk record a certified copy of this Resolutoin and Order After Public Hearing in the office of the lerk of Albany County within ten (10) days after adoption threof.

The foregoing resolution was presented for adoption by Mr. Lenhardt, s4eocnded by Mr. Marcelle and passed by the following vote:

BETLEHEM

TOWN BOARD OF THE TOWN OF

Sheila Fuller  
Supervisor  
Mr. Lenhardt  
Councilman

Mrs. Davis  
Councilman  
Mr. Plummer  
Councilman  
Mr. Marcelle  
Councilman

Members of the Town Board of the Town of

Bethlehem

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The motion was made by Mr. Lenhardt and seconded by Mr. Marcelle to approve the following bond resolution:

**BOND RESOLUTION**  
(New Salem)

At a regular meeting of the Town Board of the Town of Bethlehem, held at Town Hall, 445 Delaware Avenue, Delmar, New York on the 27th of August, 2003, at 7:30 o'clock. The meeting was called to order by the Town Supervisor, and upon roll being called, the following were:

**PRESENT:**

Sheila Fuller	Supervisor
Doris Davis	Board Member
George Lenhardt	Board Member
Thomas Marcelle	Board Member
Daniel Plummer	Board Member

**ABSENT:** None.

**ALSO PRESENT:** Robert Alessi, Town Attorney  
Kathleen A. Newkirk, Town Clerk

On motion duly made and seconded, the following resolution was placed before the Town Board, to wit:

**BOND RESOLUTION DATED AUGUST 27, 2003**

**A RESOLUTION AUTHORIZING WATER IMPROVEMENTS AT NEW SALEM PROPERTIES AT A MAXIMUM ESTIMATED COST OF \$13,300,000, AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$13,300,000 OF THE TOWN OF BETHLEHEM, ALBANY COUNTY, NEW YORK, PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE SAID PURPOSE AND DELEGATING THE POWER TO ISSUE BOND ANTICIPATION NOTES IN ANTICIPATION OF THE SALE OF SUCH BONDS TO THE TOWN SUPERVISOR**

BE IT RESOLVED, by the Town Board of the Town of Bethlehem, Albany County, New York (the "Town") as follows:

Section 1: The specific purpose (hereinafter referred to as "purpose") to be financed pursuant to this resolution is the water improvements at New Salem properties and

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related facilities located in the Town and related engineering studies, designs and survey and equipment rentals and purchases necessary to achieve the results. The maximum cost of said purpose will not exceed \$13,300,000.

Section 2: The plan for the financing of such maximum estimated cost is by issuance of a \$13,300,000 Serial Bonds (Town of Bethlehem Water Improvement Project), Series 2003 A of the Town of Bethlehem and is hereby authorized to be issued therefor pursuant to the Local Finance Law of the State of New York.

Section 3: It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is forty (40) years, pursuant to subdivision (1) of paragraph (a) of Section 11.00 of the Local Finance Law of the State of New York. The Bonds to be issued pursuant to this resolution will have a maturity not to exceed 40 years.

Section 4: The faith and credit of the Town of Bethlehem are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made by the Town of Bethlehem in each year sufficient to pay the principal of and interest on such Bonds becoming due and payable in such year. There shall annually be levied on the taxable real property of the residents within the Town of Bethlehem, who are benefitting from the Project, a tax without limitation as to rate or amount sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 5: All other matters except as provided herein relating to the serial bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same shall be determined by the Town Supervisor, as the chief fiscal officer of the Town of Bethlehem, under the Local Finance Law of the State of New York. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law of the State of New York, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law of the State of New York, as the Town Supervisor, shall determine consistent with the provisions of the Local Finance Law of the State of New York.

Section 6: The validity of such bonds may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which the Town of Bethlehem is not authorized to expend money; or
- 2) The provisions of applicable law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution of the State of New York.

Section 7: The temporary use of available funds of the Town, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to section 165.10 of the Local Finance Law, for the capital purposes described in the Resolution. The Town then reasonably expects to reimburse such expenditure with the proceeds of the bonds or bond anticipation notes authorized by this Resolution. This Resolution shall constitute the declaration of the Town's "official intent" to reimburse the expenditures authorized in this Resolution with the proceeds of the bonds and notes authorized herein, as required by the

United States Treasury Regulations Section 1.150-2.

Section 8: Subject to the provisions of this Resolution and of the Local Finance Law, pursuant to the provisions of Section 30 relative to the authorization of the issuance of bond anticipation notes or the renewals of said notes and of Sections 21, 56 to 50, 62 and 63 of the Local Finance Law, the powers and duties of the Town Board pertaining or incidental to the sale and issuance of the obligations herein authorized, including but not limited to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said notes, are hereby delegated to the Town Supervisor, the Chief Fiscal Officer of the Town.

Section 9: Upon this resolution taking effect, the same shall be published in full in a newspaper published in The Spotlight, and having a general circulation in said Town of Bethlehem, and which is hereby designated as the official newspaper of the Town of Bethlehem, Albany County, State of New York, for such purpose, together with a Notice of the chief fiscal officer of the Town of Bethlehem in substantially the form provided in Section 81.00 of the Local Finance Law of the State of New York.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

Sheila Fuller voting\_aye\_

Doris Davis voting\_aye\_

George Lenhardt voting\_aye\_

Thomas Marcelle voting\_aye\_

Daniel Plummer voting\_aye\_

The resolution was thereupon declared duly (insert bond resolution)

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The motion was made by Mrs. Davis and seconded by Mr. Lenhardt to authorize the Supervisor to approve proceeding with the design work with O'Brien and Gere Engineers, Inc.. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Lenhardt, Mrs. Davis, Mr. Plummer, Mr. Marcelle.

Noes: None.

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HEARING BEGAN: 7:45 P.M.

SUPERVISOR FULLER: Okay, time for the next public hearing 7:45 p.m. Ask the Clerk to read the call of the hearing.

TOWN CLERK NEWKIRK:

RESOLUTION PURSUANT TO SECTION 202-B OF THE TOWN LAW  
OF THE STATE OF NEW YORK ADOPTED AT A REGULAR  
MEETING OF THE TOWN BOARD OF THE  
TOWN OF BETHLEHEM, HELD AT THE TOWN HALL  
445 DELAWARE AVENUE, DELMAR, NEW YORK  
ON THE 13TH DAY OF AUGUST 2003

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The Town Board of the Town of Bethlehem has heretofore established Water District No. 1 which includes the Vly Creek Reservoir, Water Purification Plant and storage tanks in New Salem along with an extensive system of water transmission mains and distribution facilities.

A map, plan and report dated January 2003 has been prepared in a manner and detail as determined by the Town Board regarding the proposed improvements and replacements of old water mains in the distribution system.

The map, plan and report titled "Engineering Report – Replacement of old water main Cherry Avenue and Elm Avenue, January 2003", has been filed in the Town Clerk's office in the Town of Bethlehem.

The map, plan and report were prepared by Bruce H. Secor, P.E., Engineer, Licensed by the State of New York describing the proposed new facilities, a general plan of construction, estimated cost of the project and method of financing.

The proposed method of financing the cost of the improvements consists of the issuance of general obligation serial bonds of the Town with amortization of principal over a period of 30 yeqrs.

The maximum amount proposed to be expended for the proposed replacement of old water mains ion Cherry Avenue and Elm Avenue is the sum of Four Hundred, Ninety Thousand Dollars (\$490,000).

The map, plan and report describing the proposed facilities are on file in the Town Clerk's office for public inspection.

The Town Board is desirous of conducting a pubic hearing regarding the proposed expansion of water supply facilities and transmission mains and wishes to give notice thereof by publication and posting as prescribed.

The foregoing Resolution was presented for adoption and passed, it is here

RESOLVED AND ORDERED that the Town Board of the Town of Bethlehem shall meet and hold a public hearing at the Town Hall, 445 Delaware Avenue, Delmar, New York at 7:45 p.m. on the 27th day of August 2003, to consider the aforesaid plan and report and to take such action thereon as is required or authorized by law.

The adoption of the foregoing Resolution and Order was put to a vote, the result of which is set forth opposite the name of each Board Member voting thereon.

Ayes: Mrs. Fuller, Mr. Lenhardt, Mrs. Davis, Mr. Plummer, Mr. Marcelle.

Noes: None.

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State of New York)  
County of Albany )

C. Fleming/A. Cooper of the City of Albany, being duly sworn, says that he/she is Principal Clerk of the TIMES UNION, a daily newspaper printed in the County of Albany, Town of Colonie and the City of Albany, aforesaid and that notice of which a printed copy is annexed has been regularly published in said ALBANY TIMES UNION on the following dates:

08-15-2003

/s/ A. D. Cooper

Sworn to before me this 15th day of August 2003.

/s/ Jean M. Hill

Notary Public, Albany County

- - -

STATE OF NEW YORK)

COUNTY OF ALBANY) ss.:

KATHLEEN A. NEWKIRK, being duly sworn, deposes and says that she is the Town Clerk of the Town of Bethlehem, Albany County, New York and that I posted on August 15, 2003, a Notice of Public Hearing, a copy of which is hereto attached, on the sign board of the Town maintained pursuant to subdivision six of Section thirty of the Town Law.

/s/ Kathleen A. Newkirk

Town Clerk

Sworn to before me this

21st day of August 2003.

/s/ Julie S. McNeil

Notary Public

- - -

The motion was made by Mr. Lenhardt and seconded by Mr. Marcelle to indent the Notice of Public Hearing, Affidavit of Publication and Affidavit of Posting on the minutes of the meeting. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Lenhardt, Mrs. Davis, Mr. Plummer, Mr. Marcelle.

Noes: None.

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MR. SECOR: This is actually something that came to the Town Board back in November of 2002 when the Cherry Avenue/Elm Avenue reconstruction was being undertaken. What we're really doing tonight is having a public hearing because our bond counsel told us we couldn't sell bonds unless we had the public hearing. So, we're kind of making up so this is really a public hearing for authorization of the sale of the bonds. The work is under way and is going... being done under low bid by the County contractor. We've actually saved quite a bit of money by participating with the County on this project.

SUPERVISOR FULLER: Is there anyone wishing to speak in favor or in opposition? This is the Cherry and Elm Avenue replacement of the water main. \$490,000 to be bonded. Okay, may I have a motion to close the public hearing?

The motion was made by Mr. Lenhardt and seconded by Mr. Marcelle to close the public hearing at 7:48 p.m. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Lenhardt, Mrs. Davis, Mr. Plummer, Mr. Marcelle.

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For an official copy of the minutes, please visit the Town Hall, 445 Delaware Avenue, Delmar, NY or call 439-4955, extension 158.

Noes: None.

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Town Clerk

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Supervisor Fuller noted with regard to SEQR that Albany County is lead agency and therefore there does not have to be an independent SEQR finding.

The Supervisor asked for a motion approving the project and authorizing the public financing of cost.

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In the Matter of the  
REPLACEMENT OF OLD WATER MAIN ON  
CHERRY AVENUE AND ELM AVENUE  
(portion of Albany County Route # 52) for  
Water District No. 1, in the Town of Bethlehem,  
in the County of Albany, New York pursuant to  
Section 202-b of the Town Law.

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RESOLUTION AND  
ORDER AFTER PUBLIC HEARING

WHEREAS, the Town Board of the Town of Bethlehem (herein called "Town") in the County of Albany, New York, has heretofore caused Bruce H. Secor, P.E. , Town Engineer for the Town of Bethlehem, competent engineer duly licensed by the State of New York (herein called "Engineer") to prepare a map and plan for Water District No. 1 (herein called "District"), for the REPLACEMENT OF OLD 6-INCH WATER MAIN ON CHERRY AVENUE AND ELM AVENUE, said report dated January 30, 2003 , the project consisting of replacement of the 90 year old, 6-inch diameter, water main with a new 12-inch diameter water main including: new fire hydrants, valves, services to water customers, along with easements or rights in land, associated equipment, and appurtenances required therefore, at the estimated total cost of \$490,000; and

WHEREAS, the Engineers completed said map and plan and filed same with the Town Board, and the Town Board thereafter adopted an Order describing in general terms the proposed increase and improvement of the facilities, specifying the estimated cost thereof, and stating that the Town Board would meet to hear all persons interested in said increase and improvement of facilities at a public hearing on August 27, 2003 at 7:45 P.M. (Prevailing Time) at the Town Hall, 445 Delaware Avenue, Delmar, New York, in the Town; and

WHEREAS, copies of such Order, certified by the Town Clerk, were duly published and posted pursuant to the provisions of Article 12 of the Town Law; and WHEREAS, such public hearing was duly held by the Town Board on the 27th day of August 2003, at 7:45 p.m. (Prevailing Time) at the Town Hall, 445 Delaware Avenue,

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For an official copy of the minutes, please visit the Town Hall, 445 Delaware Avenue, Delmar, NY or call 439-4955, extension 158.

Delmar, New York, in the Town, and discussion on the matter having been had and all persons desiring to be heard having been heard, including those in favor of and those in opposition to said increase and improvement of the facilities;

Now, therefore, on the basis of the information given at such hearing, it is hereby DETERMINED, that is in the public interest to replace the old water main on Cherry and Elm Avenues as hereinabove described and referred to at the estimated total cost of \$490,000; and it is hereby

ORDERED, that the facilities of the District shall be so increase and improved at the said \$490,000 cost therefore, and the Engineers shall prepare definite plans and specifications and make a careful estimate of the expense, and with the assistance of the Town attorney or an attorney employed for that purpose prepare a proposed contract for the execution of the work, which definite plans, specifications, estimates and proposed contract shall be presented to the Town Board for approval as soon as they are completed; and it is hereby

ORDERED, that the Supervisor is authorized and directed to take all actions necessary to apply for and obtain any and all permits from the New York State Department of Health, New York State Department of Environmental Conservation and any other permitting agencies; and it is hereby

FURTHER ORDERED, that the expense of said increase and improvement of facilities, shall be financed by the issuance of \$490,000 serial bonds of the Town, and the costs of said facilities including payment of the principal of and interest on said bonds shall be paid by the assessment, levy and collection of assessments upon the several lots and parcels of land within the District on a ad valorem basis, in the same manner and at the same time as other Town charges; and it is hereby

FURTHER ORDERED, that the Town Clerk record a certified copy of this Resolution and Order After Public Hearing in the office of the Clerk of Albany County within ten (10) days after adoption thereof.

TOWN BOARD OF THE TOWN OF BETHLEHEM

Sheila Fuller\_\_\_\_\_

Supervisor

George Lenhardt\_\_\_\_\_

Councilman

Doris Davis\_\_\_\_\_

Councilman

Daniel Plummer\_\_\_\_\_

Councilman

Thomas Marcelle\_\_\_\_\_

Councilman

Members of the Town Board of the Town of Bethlehem, New York

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BOND RESOLUTION

(Cherry and Elm)

At a regular meeting of the Town Board of the Town of Bethlehem, held at Town Hall, 445 Delaware Avenue, Delmar, New York on the 27th day of August, 2003, at

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For an official copy of the minutes, please visit the Town Hall, 445 Delaware Avenue, Delmar, NY or call 439-4955, extension 158.

\_\_\_\_\_o'clock.

The meeting was called to order by the Town Supervisor, and upon roll being called, the following were:

PRESENT:

Sheila Fuller	Supervisor
Doris Davis	Board Member
George Lenhardt	Board Member
Thomas Marcelle	Board Member
Daniel Plummer	Board Member

ABSENT: None.

ALSO PRESENT: Robert Alessi, Town Attorney  
Kathleen A. Newkirk, Town Clerk

On motion duly made and seconded, the following resolution was placed before the Town Board, to wit:

**BOND RESOLUTION DATED AUGUST 27, 2003**

A RESOLUTION AUTHORIZING WATER IMPROVEMENTS AT A MAXIMUM ESTIMATED COST OF \$490,000, AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$490,000 OF THE TOWN OF BETHLEHEM, ALBANY COUNTY, NEW YORK, PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE SAID PURPOSE AND DELEGATING THE POWER TO ISSUE BOND ANTICIPATION NOTES IN ANTICIPATION OF THE SALE OF SUCH BONDS TO THE TOWN SUPERVISOR BE IT RESOLVED, by the Town Board of the Town of Bethlehem, Albany County, New York (the "Town") as follows:

Section 1: The specific purpose (hereinafter referred to as "purpose") to be financed pursuant to this resolution is the renovations, improvements and expansion of water supply facilities, transmission mains and related facilities located in the Town and related engineering studies, designs and survey and equipment rentals and purchases necessary to achieve the results. The maximum cost of said purpose will not exceed \$490,000.

Section 2: The plan for the financing of such maximum estimated cost is by issuance of a \$490,000 Serial Bonds (Town of Bethlehem Water Improvement Project), Series 2003 B of the Town of Bethlehem and is hereby authorized to be issued therefor pursuant to the Local Finance Law of the State of New York.

Section 3: It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is forty (40) years, pursuant to subdivision (1) of paragraph (a) of Section 11.00 of the Local Finance Law of the State of New York. The Bonds to be issued pursuant to this resolution will have a maturity not to exceed 40 years.

Section 4: The faith and credit of the Town of Bethlehem are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made by the Town of Bethlehem in each year sufficient to pay the principal of and interest on such Bonds becoming due and payable in such year. There shall annually be levied on the taxable real property of the residents within the Town of Bethlehem, who are benefitting from the Project, a tax without limitation as to rate or amount sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 5: All other matters except as provided herein relating to the serial bonds

herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same shall be determined by the Town Supervisor, as the chief fiscal officer of the Town of Bethlehem, under the Local Finance Law of the State of New York. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law of the State of New York, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law of the State of New York, as the Town Supervisor, shall determine consistent with the provisions of the Local Finance Law of the State of New York.

Section 6: The validity of such bonds may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which the Town of Bethlehem is not authorized to expend money; or
- 2) The provisions of applicable law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution of the State of New York.

Section 7: The temporary use of available funds of the Town, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to section 165.10 of the Local Finance Law, for the capital purposes described in the Resolution. The Town then reasonably expects to reimburse such expenditure with the proceeds of the bonds or bond anticipation notes authorized by this Resolution. This Resolution shall constitute the declaration of the Town's "official intent" to reimburse the expenditures authorized in this Resolution with the proceeds of the bonds and notes authorized herein, as required by the United States Treasury Regulations Section 1.150-2.

Section 8: Subject to the provisions of this Resolution and of the Local Finance Law, pursuant to the provisions of Section 30 relative to the authorization of the issuance of bond anticipation notes or the renewals of said notes and of Sections 21, 56 to 50, 62 and 63 of the Local Finance Law, the powers and duties of the Town Board pertaining or incidental to the sale and issuance of the obligations herein authorized, including but not limited to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said notes, are hereby delegated to the Town Supervisor, the Chief Fiscal Officer of the Town.

Section 9: Upon this resolution taking effect, the same shall be published in full in a newspaper published in The Spotlight, and having a general circulation in said Town of Bethlehem, and which is hereby designated as the official newspaper of the Town of Bethlehem, Albany County, State of New York, for such purpose, together with a Notice of the chief fiscal officer of the Town of Bethlehem in substantially the form provided in Section 81.00 of the Local Finance Law of the State of New York.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

Sheila Fuller voting\_aye

Doris Davis voting\_aye

George Lenhardt      voting\_aye  
Thomas Marcelle      voting\_aye  
Daniel Plummer      voting\_aye  
The resolution was thereupon declared duly adopted.

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Supervisor Fuller said she knew Elm Avenue has been without water for periods of time both this date and yesterday, noting they have been working very hard. Mr. Secor said he hoped the work has been completed.

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HEARING BEGAN: 8:00 P.M.

SUPERVISOR FULLER: Next item is a public hearing pertaining to replacement of the water main on Route 9W. Ask the Clerk to read the call of the hearing.

TOWN CLERK NEWKIRK:  
RESOLUTION PURSUANT TO SECTION 202-B OF THE TOWN LAW  
OF THE STATE OF NEW YORK ADOPTED AT A REGULAR  
MEETING OF THE TOWN BOARD OF THE  
TOWN OF BETHLEHEM, HELD AT THE TOWN HALL  
445 DELAWARE AVENUE, DELMAR, NEW YORK  
ON THE 13TH DAY OF AUGUST 2003

The Town Board of the Town of Bethlehem has heretofore established Water District No. 1, which includes the Vly Creek Reservoir, Water Purification Plant and storage tanks in New Salem along with an extensive system of water transmission mains and distribution facilities.

A map, plan and report dated May 2003 has been prepared in a manner and detail as determined by the Town Board regarding the proposed repair, improvement and replacement of old water mains in the system.

The map, plan and report titled "Engineering Report Replacement of old water main on Rt. 9W, May 2003" has been filed in the Town Clerks' office in the Town of Bethlehem.

The map, plan and report were prepared by Bruce H. Secor, P.E., Engineer, Licensed by the State of New York, describing the proposed new facilities, a general plan of construction, estimated cost of the project and method of financing.

The proposed method of financing the cost of the improvements consists of the issuance of general obligation serial bonds of the Town with authorization of principal over a period of 30 years.

The maximum amount proposed to be expended for the proposed replacement of old water main on Rt. 9W is the sum of Seven Hundred, Fifty Thousand Dollars (\$85,000.00).

The map, plan and report describing the proposed facilities are on file in the Town Clerk's office for public inspection.

The Town Board is desirous of conducting a public hearing regarding the proposed replacement of the old water main and wishes to give notice thereof by

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For an official copy of the minutes, please visit the Town Hall, 445 Delaware Avenue, Delmar, NY or call 439-4955, extension 158.

publication and posting as prescribed.

The foregoing Resolution was presented for adoption and passed, it is hereby  
RESOLVED AND ORDERED that the Town Board of the Town of Bethlehem shall meet and hold a public hearing at the Town Hall, 445 Delaware Avenue, Delmar, New York at 8:00 p.m. on the 27th day of August 2003, to consider the aforesaid plan and report and to take such action thereon as is required or authorized by law.

The adoption of the foregoing Resolution and Order was put to a vote, the result of which is set forth opposite the name of each Board Member voting thereon.

Ayes: Mrs. Fuller, Mr. Lenhardt, Mrs. Davis, Mr. Plummer, Mr. Marcelle.

Noes: None.

Absent: None.

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State of New York)

County of Albany )

C. Fleming/A. Cooper of the City of Albany, being duly sworn, says that he/she is Principal Clerk of the TIMES UNION, a daily newspaper printed in the County of Albany, Town of Colonie and the City of Albany, aforesaid and that notice of which a printed copy is annexed has been regularly published in said ALBANY TIMES UNION on the following dates:

08-15-2003

/s/ A. D. Cooper

Sworn to before me this 15th day of August 2003.

/s/ Jean M. Hill

Notary Public, Albany County

- - -

STATE OF NEW YORK)

COUNTY OF ALBANY) ss.:

KATHLEEN A. NEWKIRK, being duly sworn, deposes and says that she is the Town Clerk of the Town of Bethlehem, Albany County, New York and that I posted on August 15, 2003, a Notice of Public Hearing, a copy of which is hereto attached, on the sign board of the Town maintained pursuant to subdivision six of Section thirty of the Town Law.

/s/ Kathleen A. Newkirk

Town Clerk

Sworn to before me this

21st day of August 2003.

/s/ Julie S. McNeil

Notary Public

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The motion was made by Mr. Plummer and seconded by Mr. Lenhardt to indent

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For an official copy of the minutes, please visit the Town Hall, 445 Delaware Avenue, Delmar, NY or call 439-4955, extension 158.

the Notice of Public Hearing, Affidavit of Publication and Affidavit of Posting on the minutes of the meeting. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Lenhardt, Mrs. Davis, Mr. Plummer, Mr. Marcelle.  
Noes: None.

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SUPERVISOR FULLER: Is there anyone interested in speaking in favor or in opposition? Can you hear me in the back of the room?

COUNCILMAN PLUMMER: Bruce, this is the same circumstance, right? We already voted on this.

SUPERVISOR FULLER: Yes. Motion to close the public hearing.

The motion was made by Mr. Lenhardt and seconded by Mr. Marcelle to close the public hearing at 8:05 p.m. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Lenhardt, Mrs. Davis, Mr. Plummer, Mr. Marcelle.  
Noes: None.

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Town Clerk

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The Supervisor asked for a vote, noting Councilman Plummer mentioned for those arriving at this time, these have been approved basically and what has to be approved is going to the bonding and that requires a public hearing.

The motion was made by Mrs. Davis and seconded by Mr. Marcelle to approve the negative declaration with regard to SEQR. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Lenhardt, Mrs. Davis, Mr. Plummer, Mr. Marcelle.  
Noes: None.

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In the Matter of the  
REPLACEMENT OF OLD WATER MAIN ON  
NYS ROUTE 9W for Water District No. 1,  
in the Town of Bethlehem, in the County of Albany,  
New York pursuant to Section 202-b of the Town Law.

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RESOLUTION AND  
ORDER AFTER PUBLIC HEARING

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For an official copy of the minutes, please visit the Town Hall, 445 Delaware Avenue, Delmar, NY or call 439-4955, extension 158.

WHEREAS, the Town Board of the Town of Bethlehem (herein called "Town") in the County of Albany, New York, has heretofore caused Bruce H. Secor, P.E. , Town Engineer for the Town of Bethlehem, competent engineer duly licensed by the State of New York (herein called "Engineer") to prepare a map and plan for Water District No. 1 (herein called "District"), for the REPLACEMENT OF OLD WATER MAIN ON NYS Route 9 W, GLENMONT, said report dated May 2003; the project consisting of replacement of the old 10-inch diameter water main with a new 12-inch diameter water main from Corning Hill Road to Feurabush Road including: new fire hydrants, valves, services to water customers, along with easements or rights in land, associated equipment, and appurtenances required therefore, at the estimated total cost of \$750,000; and

WHEREAS, the Engineer completed said map and plan and filed same with the Town Board, and the Town Board thereafter adopted an Order describing in general terms the proposed increase and improvement of the facilities, specifying the estimated cost thereof, and stating that the Town Board would meet to hear all persons interested in said increase and improvement of facilities at a public hearing on August 27, 2003 at 8:00 P.M. (Prevailing Time) at the Town Hall, 445 Delaware Avenue, Delmar, New York, in the Town; and

WHEREAS, copies of such Order, certified by the Town Clerk, were duly published and posted pursuant to the provisions of Article 12 of the Town Law; and

WHEREAS, such public hearing was duly held by the Town Board on the 27th day of August 2003, at 8:00 p.m. (Prevailing Time) at the Town Hall, 445 Delaware Avenue, Delmar, New York, in the Town, and discussion on the matter having been had and all persons desiring to be heard having been heard, including those in favor of and those in opposition to said increase and improvement of the facilities;

Now, therefore, on the basis of the information given at such hearing, it is hereby DETERMINED, that is in the public interest to replace the old water main on Rt. 9W as hereinabove described and referred to at the estimated total cost of \$750,000; and it is hereby

ORDERED, that the facilities of the District shall be so increased and improved at the said \$750,000 cost therefore, and the Engineers shall prepare definite plans and specifications and make a careful estimate of the expense, and with the assistance of the Town attorney or an attorney employed for that purpose prepare a proposed contract for the execution of the work, which definite plans, specifications, estimates and proposed contract shall be presented to the Town Board for approval as soon as they are completed; and it is hereby

ORDERED, that the Supervisor is authorized and directed to take all actions necessary to apply for and obtain any and all permits from the New York State Department of Health, New York State Department of Environmental Conservation and any other permitting agencies; and it is hereby

FURTHER ORDERED, that the expense of said increase and improvement of facilities, shall be financed by the issuance of \$750,000 serial bonds of the Town, and the costs of said facilities including payment of the principal of and interest on said bonds shall be paid by the assessment, levy and collection of assessments upon the several lots and parcels of land within the District on a ad valorem basis, in the same manner and at the same time as other Town charges; and it is hereby

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For an official copy of the minutes, please visit the Town Hall, 445 Delaware Avenue, Delmar, NY or call 439-4955, extension 158.

FURTHER ORDERED, that the Town Clerk record a certified copy of this Resolution and Order After Public Hearing in the office of the Clerk of Albany County within ten (10) days after adoption thereof.

TOWN BOARD OF THE TOWN OF BETHLEHEM

Sheila Fuller \_\_\_\_\_  
Supervisor  
George Lenhardt \_\_\_\_\_  
Councilman  
Doris Davis \_\_\_\_\_  
Councilman  
Daniel Plummer \_\_\_\_\_  
Councilman  
Thomas Marcelle \_\_\_\_\_  
Councilman

Members of the Town Board of the Town of Bethlehem, New York

- - -

BOND RESOLUTION  
(Route 9W)

At a regular meeting of the Town Board of the Town of Bethlehem, held at Town Hall, 445 Delaware Avenue, Delmar, New York on the 27th day of August, 2003, at 7:30 o'clock.

The meeting was called to order by the Town Supervisor, and upon roll being called, the following were:

PRESENT:

Sheila Fuller	Supervisor
Doris Davis	Board Member
George Lenhardt	Board Member
Thomas Marcelle	Board Member
Daniel Plummer	Board Member

ABSENT: None.

ALSO PRESENT: Robert Alessi, Town Attorney  
Kathleen A. Newkirk, Town Clerk

On motion duly made and seconded, the following resolution was placed before the Town Board, to wit:

BOND RESOLUTION DATED AUGUST 27, 2003

A RESOLUTION AUTHORIZING WATER IMPROVEMENTS AT A MAXIMUM ESTIMATED COST OF \$750,000, AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$750,000 OF THE TOWN OF BETHLEHEM, ALBANY COUNTY, NEW YORK, PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE SAID PURPOSE AND DELEGATING THE POWER TO ISSUE BOND ANTICIPATION NOTES IN ANTICIPATION OF THE SALE OF SUCH BONDS TO THE TOWN SUPERVISOR

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For an official copy of the minutes, please visit the Town Hall, 445 Delaware Avenue, Delmar, NY or call 439-4955, extension 158.

BE IT RESOLVED, by the Town Board of the Town of Bethlehem, Albany County, New York (the “Town”) as follows:

Section 1: The specific purpose (hereinafter referred to as “purpose”) to be financed pursuant to this resolution is the renovations, improvements and expansion of water supply facilities, transmission mains and related facilities located in the Town and related engineering studies, designs and survey and equipment rentals and purchases necessary to achieve the results. The maximum cost of said purpose will not exceed \$750,000.

Section 2: The plan for the financing of such maximum estimated cost is by issuance of a \$750,000 Serial Bonds (Town of Bethlehem Water Improvement Project), Series 2003 C of the Town of Bethlehem and is hereby authorized to be issued therefor pursuant to the Local Finance Law of the State of New York.

Section 3: It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is forty (40) years, pursuant to subdivision (1) of paragraph (a) of Section 11.00 of the Local Finance Law of the State of New York. The Bonds to be issued pursuant to this resolution will have a maturity not to exceed 40 years.

Section 4: The faith and credit of the Town of Bethlehem are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made by the Town of Bethlehem in each year sufficient to pay the principal of and interest on such Bonds becoming due and payable in such year. There shall annually be levied on the taxable real property of the residents within the Town of Bethlehem, who are benefitting from the Project, a tax without limitation as to rate or amount sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 5: All other matters except as provided herein relating to the serial bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same shall be determined by the Town Supervisor, as the chief fiscal officer of the Town of Bethlehem, under the Local Finance Law of the State of New York. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law of the State of New York, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law of the State of New York, as the Town Supervisor, shall determine consistent with the provisions of the Local Finance Law of the State of New York.

Section 6: The validity of such bonds may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which the Town of Bethlehem is not authorized to expend money; or
- 2) The provisions of applicable law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution of the State of New York.

Section 7: The temporary use of available funds of the Town, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to section 165.10 of the Local Finance Law, for the capital purposes described in the Resolution. The Town then reasonably

expects to reimburse such expenditure with the proceeds of the bonds or bond anticipation notes authorized by this Resolution. This Resolution shall constitute the declaration of the Town's "official intent" to reimburse the expenditures authorized in this Resolution with the proceeds of the bonds and notes authorized herein, as required by the United States Treasury Regulations Section 1.150-2.

Section 8: Subject to the provisions of this Resolution and of the Local Finance Law, pursuant to the provisions of Section 30 relative to the authorization of the issuance of bond anticipation notes or the renewals of said notes and of Sections 21, 56 to 50, 62 and 63 of the Local Finance Law, the powers and duties of the Town Board pertaining or incidental to the sale and issuance of the obligations herein authorized, including but not limited to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said notes, are hereby delegated to the Town Supervisor, the Chief Fiscal Officer of the Town.

Section 9: Upon this resolution taking effect, the same shall be published in full in a newspaper published in The Spotlight, and having a general circulation in said Town of Bethlehem, and which is hereby designated as the official newspaper of the Town of Bethlehem, Albany County, State of New York, for such purpose, together with a Notice of the chief fiscal officer of the Town of Bethlehem in substantially the form provided in Section 81.00 of the Local Finance Law of the State of New York.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

Sheila Fuller voting\_aye\_\_\_  
Doris Davis voting\_aye\_\_\_  
George Lenhardt voting\_aye\_\_\_  
Thomas Marcelle voting\_aye\_\_\_  
Daniel Plummer voting\_aye\_\_\_

The resolution was thereupon declared duly adopted.

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The Supervisor noted it was not 8:15 p.m. yet and went to the next item on the agenda. It was a request from Administrator of Parks and Recreation Department for approval of appointment of seasonal personnel.

The motion was made by Mr. Plummer and seconded by Mrs. Davis to approve the following seasonal personnel as requested by Parks and Recreation Department Administrator, Nan Lanahan, at the titles and salaries indicated:

Recreation Instructor 1 at \$5.45 per hour  
Katherine M. Wagoner  
81 Jefferson Road  
Glenmont, NY 12077

Megan M. Herzog  
60 Alden Court  
Delmar, NY 12054

Recreation Instructor I at \$5.75 per hour  
Kristin M. Link

7 Eustis Ridge  
Slingerlands, NY 12159

The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Lenhardt, Mrs. Davis, Mr. Plummer, Mr. Marcelle.  
Noes: None.

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The next item was a request from Nigro Companies for extended work hours at the Bethlehem Town Center, Glenmont. Supervisor Fuller said Mr. Nigro spoke with her last week and due to the extreme wet weather conditions during the recent months, the sequence of construction of the Center has been delayed. She said in order to complete the project timely, Mr. Nigro was requesting that the days and hours of work to be extended. She said the Building Project Approval dated January 28, 2002 limited the days and hours of operation. The hours are being requested to be extended to 6 a.m. to 9 p.m. Monday through Saturday and allow work on Sunday from 8 a.m. to 5 p.m. She said the extended work hours will allow the contractors to complete the necessary work during times of weather conducive to completing the project prior to the winter season. Supervisor Fuller said she thought the request was reasonable, not very good for the residents to hear the additional hours but the residents have been troubled that they have been starting a little earlier recently. She asked the Board to support this recommendation only because the longer they work, the sooner they get out of there.

Councilman Davis said this was due to trying to get this done before the winter season and said she assumed that means before the holiday season. Mr. Powers said Walmart is scheduled to open mid-January. He said Lowe's wants to be open the first week in December before the holiday. He mentioned the restaurant, bank and Wendy's will probably open about the same time as Lowe's. Mrs. Davis said this would be good for everyone if that is possible.

The motion was made by Mrs. Davis and seconded by Mr. Plummer to approve the extension of work hours to 6 a.m. to 9 p.m. Monday through Saturday and 8 a.m. to 5 p.m. on Sunday for the completion of the Bethlehem Town Center as requested by Mr. Nigro of NIGRO Companies. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Lenhardt, Mrs. Davis, Mr. Plummer, Mr. Marcelle.  
Noes: None.

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Councilman Davis explained that she thinks this is an extraordinary situation and we need to support this and get this done as quickly as possible. She said she thinks it will benefit us all. She said she is sorry for the residents who live there, noting it will add some work time earlier and later in the day but it will speed up the process as well.

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Supervisor Fuller noted the next public hearing could not be started until 8:15 p.m. Mr. Fitzpatrick said he had a discussion with Mr. Hasbrouck and tried to reach Kevin Shea regarding the residents and the situation with regard to the Bethlehem Town Center. He said he is glad they are asking for an extension but they have been working beyond the rules. Supervisor Fuller said she noted that when she started. Mr. Fitzpatrick said they were also asked for consideration for the residents behind the site. Supervisor Fuller said further discussion would be with Mr. Powers before the Planning Board pertaining to Phase 2 of the project.

The Supervisor said the item tonight was for the Town Board to give the okay on the additional hours. She said when the Town Board approved the project, if he remembered, she asked Nigro Companies to meet with the residents and she said she believed that they did. She said she thinks Mr. Powers has been back meeting with Mr. Fitzpatrick on the same issue. Mr. Fitzpatrick said he will speak to Mr. Powers again, noting he had some agreement with him.

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Supervisor Fuller acknowledged Mr. Daniel Marcelle who was at the meeting to help his Dad on the Town Board. Councilman Marcelle said tonight was one over his Mother's veto.

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HEARING BEGAN: 8:15 P.M.

SUPERVISOR FULLER: Next public hearing Repairs to the Stage III Pipeline. As the Clerk to read the call of the public hearing.

TOWN CLERK NEWKIRK:

RESOLUTION PURSUANT TO SECTION 202-B OF THE TOWN LAW  
OF THE STATE OF NEW YORK ADOPTED AT A  
REGULAR MEETING OF THE TOWN BOARD OF THE TOWN OF BETHLEHEM,  
HELD AT THE TOWN HALL,  
445 DELAWARE AVENUE, DELMAR, NEW YORK  
ON THE 13TH DAY OF AUGUST 2003

The Town Board of the Town of Bethlehem has heretofore established Water District No. 1 which includes the Vly Creek Reservoir, Water Purification Plant and storage tanks in New Salem along with an extensive system of water transmission mains and distribution facilities.

A map, plan and report dated June 2003 has been prepared in a manner and detail as determined by the Town Board regarding the proposed repair of the State III diversion pipeline.

The map, plan and report titled "Engineering Report Repair of Sage III pipeline, June 2003" has been filed in the Town Clerk's office in the Town of Bethlehem.

The map, plan and report were prepared by Bruce H. Secor, P.E., Engineer, Licensed by the State of New York, describing the proposed repair of the pipeline, a general plan of construction, estimated cost of the project and method of financing.

The proposed method of financing the cost of the improvements consists of the

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issuance of general obligation serial bonds of the Town with amortization of principal over a period of 30 years.

The maximum amount proposed to be expended for the proposed repair of the State III diversion pipeline is the sum of One Hundred Five Thousand Dollars – Five Hundred- Fifty Four Dollars (\$1045,554.00).

The Town Board is desirous of conducting a public hearing regarding the proposed repair of the State III pipeline and wishes to give notice thereof by publication and posting as prescribed.

The foregoing Resolution was presented for adoption and passed, it is hereby  
RESOLVED AND ORDERED THAT THE town Board of the Town of Bethlehem shall meet and hold a public hearing at the Town Hall, 445 Delaware Avenue, Delmar, New York at 8:15 p.m. on the 27th day of August 2003, to consider the aforesaid plan and report and to take such action thereon as is required or authorized by law.

The adoption of the foregoing Resolution and Order was put to a vote, the result of which is set forth opposite the name of each Board Member voting thereon.

Ayes: Mrs. Fuller, Mr. Lenhardt, Mrs. Davis, Mr. Plummer, Mr. Marcelle.

Noes: None.

Absent: None.

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State of New York)  
County of Albany )

C. Fleming/A. Cooper of the City of Albany, being duly sworn, says that he/she is Principal Clerk of the TIMES UNION, a daily newspaper printed in the County of Albany, Town of Colonie and the City of Albany, aforesaid and that notice of which a printed copy is annexed has been regularly published in said ALBANY TIMES UNION on the following dates:

08-15-2003

/s/ A. D. Cooper

Sworn to before me this 15th day of August 2003.

/s/ Jean M. Hill

Notary Public, Albany County

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

KATHLEEN A. NEWKIRK, being duly sworn, deposes and says that she is the Town Clerk of the Town of Bethlehem, Albany County, New York and that I posted on August 15, 2003, a Notice of Public Hearing, a copy of which is hereto attached, on the sign board of the Town maintained pursuant to subdivision six of Section thirty of the Town Law.

/s/ Kathleen A. Newkirk  
Town Clerk

Sworn to before me this

21st day of August 2003.  
/s/ Julie S. McNeil  
Notary Public

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The motion was made by Mr. Plummer and seconded by Mrs. Davis to indent the Notice of Public Hearing, Affidavit of Publication and Affidavit of Posting on the minutes of the meeting. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Lenhardt, Mrs. Davis, Mr. Plummer, Mr. Marcelle.  
Noes: None.

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SUPERVISOR FULLER: We have the SEQR resolution before you declaring a neg declaration, may I have a motion to approve?

The motion was made by Mr. Marcelle and seconded by Mrs. Davis to declare a negative declaration in regard to SEQR regarding the Increase and Improvement of Facilities of Water District No. 1, in the Town of Bethlehem. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Lenhardt, Mrs. Davis, Mr. Plummer, Mr. Marcelle.  
Noes: None.

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The motion was made by Mr. Lenhardt and seconded by Mr. Marcelle to close the public hearing at 8:17 p.m. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Lenhardt, Mrs. Davis, Mr. Plummer, Mr. Marcelle.  
Noes: None.

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Town Clerk

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The following resolution was presented for adoption by Mrs. Davis and seconded by Mr. Marcelle adopting the following resolution.

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In the Matter of the  
REPAIRS TO EXISTING STAGE III PIPELINE  
for Water District No. 1, in the Town of Bethlehem,  
in the County of Albany, New York  
pursuant to Section 202-b of the Town Law.

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RESOLUTION AND

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For an official copy of the minutes, please visit the Town Hall, 445 Delaware Avenue, Delmar, NY or call 439-4955, extension 158.

## ORDER AFTER PUBLIC HEARING

WHEREAS, the Town Board of the Town of Bethlehem (herein called "Town") in the County of Albany, New York, has heretofore caused Bruce H. Secor, P.E. , Town Engineer for the Town of Bethlehem, competent engineer duly licensed by the State of New York (herein called "Engineer") to prepare a map and plan for Water District No. 1 (herein called "District"), for the REPAIRS to THE EXISTING STAGE III PIPELINE, said report dated June 2003, the project consisting of repairs to storm damage to existing Stage III pipeline including: replacement of cover material over existing pipeline, concrete encasement of existing pipeline to protect it from future damage, and appurtenances required therefore, at the estimated total cost of \$442,218, of which a portion of the costs are to be paid by federal assistance and the local share of the costs will be \$105,554; and

WHEREAS, the Engineer completed said map and plan and filed same with the Town Board, and the Town Board thereafter adopted an Order describing in general terms the proposed repairs and improvements to the Stage III pipeline, specifying the estimated cost thereof, and stating that the Town Board would meet to hear all persons interested in said increase and improvement of facilities at a public hearing on August 27, 2003 at 8:15 P.M. (Prevailing Time) at the Town Hall, 445 Delaware Avenue, Delmar, New York, in the Town; and

WHEREAS, copies of such Order, certified by the Town Clerk, were duly published and posted pursuant to the provisions of Article 12 of the Town Law; and

WHEREAS, such public hearing was duly held by the Town Board on the 27th day of August 2003, at 8:15 p.m. (Prevailing Time) at the Town Hall, 445 Delaware Avenue, Delmar, New York, in the Town, and discussion on the matter having been had and all persons desiring to be heard having been heard, including those in favor of and those in opposition to said repairs and improvement of the facilities;

Now, therefore, on the basis of the information given at such hearing, it is hereby DETERMINED, that is in the public interest to repair the Stage III pipeline as hereinabove described and referred to at the estimated total cost of \$\$422,218, with the local share being \$105,554; and it is hereby

ORDERED, that the facilities of the District shall be so increase and improved at the said \$\$422,218 with local share of \$105,554 cost therefore, and the Engineers shall prepare definite plans and specifications and make a careful estimate of the expense, and with the assistance of the Town attorney or an attorney employed for that purpose prepare a proposed contract for the execution of the work, which definite plans, specifications, estimates and proposed contract shall be presented to the Town Board for approval as soon as they are completed; and it is hereby

ORDERED, that the Supervisor is authorized and directed to take all actions necessary to apply for and obtain any and all permits from the New York State Department of Health, New York State Department of Environmental Conservation and any other permitting agencies; and it is herby

FURTHER ORDERED, that the expense of said repairs and improvement of facilities, shall be financed by the issuance of \$105,554 serial bonds of the Town, and the costs of said facilities including payment of the principal of and interest on said bonds shall be paid by the assessment, levy and collection of assessments upon the several lots

and parcels of land within the District on a ad valorem basis, in the same manner and at the same time as other Town charges; and it is hereby

FURTHER ORDERED, that the Town Clerk record a certified copy of this Resolution and Order After Public Hearing in the office of the Clerk of Albany County within ten (10) days after adoption thereof.

TOWN BOARD OF THE TOWN OF BETHLEHEM

Sheila Fuller \_\_\_\_\_  
Supervisor  
George Lenhardt \_\_\_\_\_  
Councilman  
Doris Davis \_\_\_\_\_  
Councilman  
Daniel Plummer \_\_\_\_\_  
Councilman  
Thomas Marcelle \_\_\_\_\_  
Councilman

Members of the Town Board of the Town of Bethlehem, New York

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The motion was made by Mrs. Davis and seconded by Mr. Lenhardt to approve the following bond resolution:

BOND RESOLUTION  
(Stage III Repairs)

At a regular meeting of the Town Board of the Town of Bethlehem, held at Town Hall, 445 Delaware Avenue, Delmar, New York on the 27th of August, 2003, at 7:30 o'clock. The meeting was called to order by the Town Supervisor, and upon roll being called, the following were:

PRESENT:

Sheila Fuller                      Supervisor  
Doris Davis                        Board Member  
George Lenhardt                Board Member  
Thomas Marcelle                Board Member  
Daniel Plummer                 Board Member

ABSENT:                            None.

ALSO PRESENT:                 Robert Alessi, Town Attorney  
                                         Kathleen A. Newkirk, Town Clerk

On motion duly made and seconded, the following resolution was placed before the Town Board, to wit:

BOND RESOLUTION DATED AUGUST 27, 2003

A RESOLUTION AUTHORIZING REPAIRS TO THE STAGE III DIVERSION WATER PIPELINE AT A MAXIMUM ESTIMATED COST OF \$105,554, AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$105,554 OF THE TOWN OF BETHLEHEM, ALBANY COUNTY, NEW YORK, PURSUANT TO THE LOCAL

FINANCE LAW TO FINANCE SAID PURPOSE AND DELEGATING THE POWER TO ISSUE BOND ANTICIPATION NOTES IN ANTICIPATION OF THE SALE OF SUCH BONDS TO THE TOWN SUPERVISOR

BE IT RESOLVED, by the Town Board of the Town of Bethlehem, Albany County, New York (the "Town") as follows:

Section 1: The specific purpose (hereinafter referred to as "purpose") to be financed pursuant to this resolution is the renovations and repairs to the Stage III diversion water pipeline and related facilities located in the Town and related engineering studies, designs and survey and equipment rentals and purchases necessary to achieve the results. The maximum cost of said purpose will not exceed \$105,554.

Section 2: The plan for the financing of such maximum estimated cost is by issuance of a \$105,554 Serial Bonds (Town of Bethlehem Water Improvement Project), Series 2003 A of the Town of Bethlehem and is hereby authorized to be issued therefor pursuant to the Local Finance Law of the State of New York.

Section 3: It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is forty (40) years, pursuant to subdivision (1) of paragraph (a) of Section 11.00 of the Local Finance Law of the State of New York. The Bonds to be issued pursuant to this resolution will have a maturity not to exceed 40 years.

Section 4: The faith and credit of the Town of Bethlehem are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made by the Town of Bethlehem in each year sufficient to pay the principal of and interest on such Bonds becoming due and payable in such year. There shall annually be levied on the taxable real property of the residents within the Town of Bethlehem, who are benefitting from the Project, a tax without limitation as to rate or amount sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 5: All other matters except as provided herein relating to the serial bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same shall be determined by the Town Supervisor, as the chief fiscal officer of the Town of Bethlehem, under the Local Finance Law of the State of New York. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law of the State of New York, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law of the State of New York, as the Town Supervisor, shall determine consistent with the provisions of the Local Finance Law of the State of New York.

Section 6: The validity of such bonds may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which the Town of Bethlehem is not authorized to expend money; or
- 2) The provisions of applicable law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution of the State of New York.

Section 7: The temporary use of available funds of the Town, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to section 165.10 of the Local Finance Law, for the capital purposes described in the Resolution. The Town then reasonably expects to reimburse such expenditure with the proceeds of the bonds or bond anticipation notes authorized by this Resolution. This Resolution shall constitute the declaration of the Town's "official intent" to reimburse the expenditures authorized in this Resolution with the proceeds of the bonds and notes authorized herein, as required by the United States Treasury Regulations Section 1.150-2.

Section 8: Subject to the provisions of this Resolution and of the Local Finance Law, pursuant to the provisions of Section 30 relative to the authorization of the issuance of bond anticipation notes or the renewals of said notes and of Sections 21, 56 to 50, 62 and 63 of the Local Finance Law, the powers and duties of the Town Board pertaining or incidental to the sale and issuance of the obligations herein authorized, including but not limited to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said notes, are hereby delegated to the Town Supervisor, the Chief Fiscal Officer of the Town.

Section 9: Upon this resolution taking effect, the same shall be published in full in a newspaper published in The Spotlight, and having a general circulation in said Town of Bethlehem, and which is hereby designated as the official newspaper of the Town of Bethlehem, Albany County, State of New York, for such purpose, together with a Notice of the chief fiscal officer of the Town of Bethlehem in substantially the form provided in Section 81.00 of the Local Finance Law of the State of New York.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

Sheila Fuller voting\_aye\_\_\_  
Doris Davis voting\_aye\_\_\_  
George Lenhardt voting\_aye\_\_\_  
Thomas Marcelle voting\_aye\_\_\_  
Daniel Plummer voting\_aye\_\_\_

The resolution was thereupon declared duly adopted.

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Supervisor Fuller asked if anyone wished to address the Board. Mrs. Marie Capone said she wanted to talk to the Board about what happened in her neighborhood last weekend. She noted that at 6 a.m. Friday morning there was like an explosion at the Town Hall. She said everyone came out to look it was a large machine removing the blacktop and on Sunday there was a truck at 4 a.m. She noted an elderly man was scared. It was explained that the paving was being done at the parking lot and this was once in 25 years. Mr. Sagendorph said this was progress, noting he was at the Town Hall at 4:30 a.m. Saturday and worked until 7:30 p.m. Saturday night. He said the parking lot is a great job done by Hudson River Construction, Albany Asphalt and Town employees. He said it had to be done at off hours. Supervisor Fuller noted there were some people who lost sleep, including the Town's employees.

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Supervisor Fuller noted there was a large group in the auditorium and advised the audience that the agenda was short due to the reason of an executive session with 2 major issues to deal with. She said they are both dealing with contract negotiations, therefore, she asked if someone was a spokesperson to inform the Board as to why everyone was in attendance. Mrs. Judith Fetterly said she is chair of the Town of Bethlehem Bill of Rights Defense Committee. She said they formed in April of this year and held an educational forum, dealing with the threats posed by the U.S.A. Patriot Act to the civil liberties of American Citizens. The Committee asked the Town Board to adopt a draft resolution.

Additional residents and members of the Committee gave remarks to the Board. Mr. Tick said he is on the coordinating committee of Bethlehem Neighbors for Peace and they stand very strongly and proudly behind the Bethlehem Committee for the Bill of Rights. Supervisor Fuller said when this was started there was only a few minutes. She told the group in fairness that she wished the Committee had let her know she could have scheduled them to be on the agenda. She invited them to come back to the next meeting on September 10, 2003. She said the Board is under a deadline to deal with the contracts. Supervisor Fuller suggested anyone who has spoken leave a copy of their remarks to be distributed to the Board Members.

Supervisor Fuller asked the Board Members if they wished to comment. Councilman Plummer said it was his opinion that this topic should be scheduled at a meeting so everyone knows about it. Supervisor Fuller noted that was what she suggested. He said the other thing he would like to know and he thinks it is for conversation about certain provision that are unconstitutional and repeal. He said he would like to find out what the various proposals are in Congress and where they are. He said there has to be more information.

Town Attorney Alessi noted advance documentation should be given to the Board of what is being suggested so that if there is to be a response or active discussion, it could be an informed one. Mrs. Fetterly noted that every member received a copy of the draft, as did Supervisor Fuller, according to a member of the Committee. Town Attorney Alessi noted that he did not receive one and he would appreciate, given the many legal issues, to be provided with the legal documentation so he could also participate. He said he appreciated the fact that it was given to the Town Board but as Town Attorney it would be helpful to be given a copy. Mrs. Fetterly said they have done their work. Supervisor Fuller said no one asked or set up a time, noting she knew nothing about this. Discussion ensued to have this item on the Board agenda on September 24, 2003 or if they feel they wish to they can come to the next meeting on September 10, 2003 and be heard following the public hearing. Supervisor Fuller suggested Councilman Marcelle be representative of the Board and work with the Committee.

Councilman Marcelle explained that he was first contacted in June about this Committee and was invited to their open public forum on a Sunday afternoon. He said

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unfortunately he could not attend this meeting. He regretted that and had a second invitation to attend what looked like a committee meeting. He said he was presented with information at that meeting and resolutions and ordinances. He said as an aside, congratulate everyone who has worked on this project. He said he thinks it is this kind of grassroots activity is that the Patriot Act is coming under appeal. He said the Attorney General is touring the country. He said this is the type of activity that is being generated by people like this Committee.

Councilman Marcelle said they met some time in August he thought and at that time they talked about a resolution and he thinks he expressed his reservations pretty openly about using a resolution of the Board although there were some good arguments to the contrary that resolutions of this type generally focus on more local issues. He said he was more interested in the ordinance which would be to him an appropriate function of the Town Board. He said while he knew there would be people coming to exchange a couple emails, he guessed he did not quite realize the size and scope and the immediate call to action that was going to happen. He said he kind of envisioned a much smaller type of meeting, one or two speaker to kind of put this on our radar screen. He said he had no idea it would be dozens and dozens of people asking for a specific action at this meeting. He said he guessed it was his fault in misunderstanding the nature of how the Committee wanted to come to speak and he suggested a small number of people it be appropriate to use the final minutes of the Board meeting as opposed to a really well organized group.

Councilman Marcelle said given the scope, it deserves and merits special attention. He said while the Committee did communicate with him, he did not grasp what was being talked about in regard to a presentation to the Board. He said he will stand apologetic both to the Bill of Rights Committee and to the Board.

Supervisor Fuller said they are more than welcome to come to another meeting. She said the meeting on the 10th which already is a public hearing on the zoning and it is all for the businesses in the southern end of Town. She said this one item could go 2 hours or 20 minutes, noting it is a guess. She noted the public hearing will be the first item and they would follow that.

Supervisor Fuller noted the better meeting would be the September 24th meeting. The Committee requested a meeting before the September 24th Board meeting. Supervisor Fuller said if Councilman Marcelle would like to meet representing the Board, this would be okay. Councilman Davis said Mr. Marcelle seems to be the logical member since he has been there previously.

The Committee asked if they could have a public hearing. Supervisor Fuller said it can be on the agenda. Councilman Plummer noted it is the same effect. Supervisor Fuller said the Town agenda was only public hearing at this meeting. She said usually it is items on the agenda which could be this for discussion.

Councilman Davis noted school would be back in session and this might be a very

good learning experience for many of the seniors who attend the meetings. Supervisor Fuller said they are Participation in Government students. Mrs. Davis said she thought it would help them to hear what is presented.

Supervisor Fuller asked that whatever the Committee would like the Board to have to get it to her the Friday before the Board meeting. She said she puts the agenda together and sends the paperwork out with it. She said all the information sent in has been given to each Board Member.

Town Attorney Alessi said he thought it would be beneficial for mutual expectations that if the ultimate goal is to have legislation passed and without passing on whether the Town Board would vote on that he thought it would be helpful to come up to speed on the process for that. He said there are significant requirements under the Town Law in terms of how long proposed legislation must sit on the Town Board's desk before it can even be acted upon. He said he heard some people speak that they wanted a resolution passed tonight and that cannot happen. He said there are public notice requires, etc.

Supervisor Fuller thanked everyone for coming.

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Mr. Dwyer said he is a pedestrian. He said he goes for pedestrian items, don't try to solve the problems of the universe. He said he asks that the Board consider the problems of the 4 corners. He said the 4 corners are a hazard to pedestrians such as himself. He asked if the Board has any clue as to when the construction at the 4 corners will end. Supervisor Fuller said not soon enough she assured him. She said they are trying very hard, hopefully, November, noting this was a rough guess. She said she will work on DOT tomorrow and ask for a definite answer. She said she is not sure they will give her one. She said every area of Town is under construction and, of course, they're all doing it as quick as possible but as everyone knows, it is moving slow. Mr. Dwyer said he went away for 6 weeks and he sees no progress.

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The Supervisor asked for a motion to meet in Executive Session to discuss contract negotiations.

The motion was made by Mrs. Davis and seconded by Mr. Lenhardt to meet in Executive Session following the close of the regular Town Board meeting to discuss contract negotiations. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Lenhardt, Mrs. Davis, Mr. Plummer, Mr. Marcelle.

Noes: None.

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The motion was made by Mr. Lenhardt and seconded by Mr. Marcelle to adjourn the regular Town Board meeting at 9:00 p.m. The motion was passed by the following

vote:

Ayes: Mrs. Fuller, Mr. Lenhardt, Mrs. Davis, Mr. Plummer, Mr. Marcelle.

Noes: None.

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Town Clerk

#### EXECUTIVE SESSION

There was no action taken at the Executive Session.