

TOWN BOARD
DECEMBER 9, 1998

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

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

ABSENT: George Lenhardt, Councilman

- - -

Supervisor Fuller welcomed everyone to a regular meeting of the Bethlehem Town Board. She invited those present to join in the Pledge of Allegiance.

The first item on the agenda was to reschedule a public hearing for a proposed Local Law pertaining to Building Permit Fees. Could advertise December 30, 1998 and hold public hearing January 13, 1999.

The motion was made by Ms. Burns and seconded by Mr. Johnson to reschedule a public hearing regarding a proposed Local Law pertaining to an amendment of the Bethlehem Town Code regarding Building Permit Fees. The motion was passed by the following vote:

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

Reschedule
public hearing
for
proposed
Local Law
for permit
fees

The next item was to acknowledge receipt of an application to request rezoning of premises, 12 Maher Road, Slingerlands and adopt resolution pertaining to SEQR. Supervisor Fuller said representatives were in attendance from Barry, Bette and LeDuke, as well as, St. Peter's and residents from Maher Road. There was a lengthy presentation regarding the rezoning proposal. Board Members and residents asked questions pertaining to the location and traffic situation in the area. It pertains to a 4.2 acre parcel at the intersection of Maher Road and Route 85 from Residential to a Commercial zoning to permit construction of a 40,000 square foot medical office building for St. Peter's Hospital -- St. Peter's Medical Arts building.

Receipt of
application
request rezoning
of 12 Maher
Road and adopt
SEQR resolution
of a Medical
Arts Building

Discussion was held regarding the programs and expansion of the programs offered in the area. The programs include the Women's Health Care program and they will be having a comprehensive family care center co-located with the women's program. They also wish to add pediatrics and adult internal medicine. Mention was made pertaining to the employees coming to this new facility. This facility would provide consolidation of services in one convenient location and primary health care needs to support the changes in the population within Bethlehem and Albany. This would also improve access for the health care services it is felt.

Drawings were exhibited which showed the access and area where current patients come from. Other locations were researched but none met the need for this facility.

Discussion was also held regarding road improvements planned for the area. The bridge over the Normanskill Creek will be replaced and the extension of the Route 85 roadway were mentioned.

Conceptual drawings were displayed showing the proposed facility on 4.2 acres and the proposed extension of the bypass. The building was shown on the site and green space will comprise 50 percent. The property is within the Town of Bethlehem Water and Sewer Districts. Utilities are also available.

Questions were raised by the Board Members and residents. Concerns included use of the Blue Cross/Blue Shield building now known as the Picotte building. Picotte is interested in 1 tenant for the entire building and it is larger than needed by St. Peter's, it was stated. Another concern was why Maher Road due to the location and the extension of the bypass including the existing traffic was chosen. Mention was made that with the extension of the bypass this traffic will flow better and may expedite a better flow with the improvements proposed with this project. Concern was mentioned regarding the traffic signal and the Supervisor noted she has heard that will not be done. Representatives of St. Peter's indicated they are going to pursue the possibility of the signal. Question was raised in regard to other sites that were looked at. It was noted that dozens of sites were looked at and each needed either zone change or variance. Sites were mentioned on Delaware Avenue and Route 9W with the issue of convenience of the people being a factor.

Supervisor Fuller noted the concerns are not about St. Peter's Hospital but about the location and the traffic on New Scotland Road and the bypass. She also noted the residents are concerned about the volume of traffic.

Discussion of the Commercial designation of zoning being requested followed. It was clarified that the designation would be CCC Commercial.

Mention was made that St. Peter's has been easy to work with and the representative indicated everyone at the Town has been good also.

Other concerns raised included the size of the existing Blue Cross/Blue Shield building, the size of Price Chopper and how it compares. The footprint of the proposed building is 20,000 square feet with 2 floors for a total of 40,000. The existing medical arts building on Washington Avenue is new and is double in size of this proposed building. Other items mentioned were the tax situation for this proposal; if an offer has been made on the property and if it was contingent upon approval; the recommendations of the LUMAC planning reference resource; the expansion of the commercial area in Slingerlands and the need for the extension of the bypass; traffic flow information; and appropriate location of a medical building.

Residents concerns included entering Route 85 especially at peak hours of traffic; increased traffic from patients and employees; the rental of the Picotte building and the additional traffic added to the existing flow; traffic lights being synchronized to provide ease of flow of the traffic; fear of turning out of Maher Road and possible accidents; waiting for Department of Transportation to make the commitment to the improvements in the roadway; and installation of a traffic signal. Mention was made that a complete traffic study will be done.

Supervisor Fuller asked questions regarding St. Peter's intentions and a vacant building being available. Mention was made that discussions have been held but no other location was found. Other sites are not large enough or suitable.

Supervisor Fuller asked how soon St. Peter's would like to proceed. Space is a problem and they are hoping to get into a site and the sooner the better. Mention was made they cannot wait a couple years.

The following resolution was prepared by Town Planner, Jeffrey Lipnicky, regarding SEQR and with a recommendation that this proposal be forwarded to the Planning Board:

TOWN BOARD
TOWN OF BETHLEHEM
SEQR RESOLUTION
CLASSIFICATION OF ACTION AND LEAD AGENCY DESIGNATION
APPLICATION FOR REZONING
RESIDENCE AA DISTRICT TO CCC GENERAL COMMERCIAL DISTRICT
12 MAHER ROAD
FIRST COLUMBIA L.L.C.

WHEREAS, the Town Board of the Town of Bethlehem has received an application and full Environmental Assessment Form, Part 1, from First Columbia L.L.C., to amend the Town Zoning Map by rezoning a 4.2 acre parcel of land located at the intersection of Maher Road and NYS Route 85 (Slingerlands Bypass) to CCC General Commercial District; and,

WHEREAS, the current zoning of the subject parcel is classified Residence AA District, a district primarily designed for single family detached housing; and,

WHEREAS, the stated purpose of said zoning amendment is to allow the subsequent construction of a 2-story, 40,000 +/- sq. ft. medical office building with on-site parking spaces for 201 vehicles; and,

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

WHEREAS, the SEQR regulations found at 6 NYCRR 617.6(a) require that as soon as an agency receives an application for approval of an action it shall determine: (1) whether the action is subject to SEQR; (2) whether the action involves a federal agency; (3) whether other agencies are involved; (4) the appropriate preliminary classification of the action; (5) whether a full or short Environmental Assessment Form is necessary; and (6) whether the action is located in an Agricultural District and subject to applicable provisions of the Agriculture and Markets Law; and,

WHEREAS, 6 NYCRR 617.4 establishes thresholds for the classification of Type I actions and the proposed project does not exceed these thresholds, and thus, is appropriately classified as an Unlisted action; and,

WHEREAS, 6 NYCRR 617.6(b)(2) & (3) establish procedures for coordinated review of Unlisted actions where more than one agency is involved; and,

WHEREAS, the Town Board has received and considered a preliminary report from the Town Planning Department regarding SEQR classification and referral,

NOW, THEREFORE, BE IT RESOLVED,

that the Town Board of the Town of Bethlehem hereby determines that the application by First Columbia L.L.C. to amend the current zoning district designation on the parcel at 15 Maher Road constitutes an action that is subject to SEQR; and,

BE IT FURTHER RESOLVED,

that the Town Board hereby determines that the preliminary classification of the action shall be designated as "Unlisted"; and,

BE IT FURTHER RESOLVED,

that the Town Board hereby determines that at minimum a full Environmental Assessment Form is necessary to determine the significance of the action; and,

BE IT FURTHER RESOLVED,

that the Town Board hereby determines that the proposed action is not located in an established Agricultural District and therefore is not subject to the provisions of the Agriculture and Markets Law; and,

BE IT FURTHER RESOLVED,

that the Town Board hereby determines that coordinated SEQR review of the action will be undertaken in accordance with 6 NYCRR Part 617.6; and,

BE IT FURTHER RESOLVED,

that the Town Board hereby determines that there does not appear to be any federal agency involvement with respect to application; and,

BE IT FURTHER RESOLVED,

that the Town Board hereby determines that involved agencies with respect to this action may include: (1) the Albany County Health Department; (2) the New York State Department of Environmental Conservation; (3) the New York State Department of Transportation; (4) the Town of Bethlehem Planning Board and (5) the Town of Bethlehem Industrial Development Agency; and,

BE IT FURTHER RESOLVED,

that the Town Board hereby determines that interested agencies with respect to this action may include the Albany County Planning Board, the Capital District Transportation Committee,

the NYS Office of Parks, Recreation and Historic Preservation, and the Town Department of Public Works, Highway Department and Building Department; and,

BE IT FURTHER RESOLVED,

that the Town Board hereby authorizes and directs the Town Planning Department to initiate coordinated review of the action by filing a copy of the rezoning application, SEQR materials and appropriate notice with involved agencies, notifying said agencies that a Lead Agency must be agreed upon within thirty (30) calendar days of the date of mailing said notice; and,

BE IT FURTHER RESOLVED,

that the Town Board hereby authorizes and directs the Town Planning Department to notify interested agencies of the proposed action and to make referral of the application to the Albany County Planning Board pursuant to General Municipal Law; and,

BE IT FURTHER RESOLVED,

that the Town Board as an involved agency with the broadest governmental powers for investigation of the environmental impacts of the proposed action, hereby declares its desire to assume Lead Agency status for the purpose of SEQR review; and,

BE IT FURTHER RESOLVED,

that having notified the involved agencies of the Town Board's desire to be Lead Agency, the Town Board hereby declares it shall be Lead Agency for SEQR review of the proposed action unless objection to such designation is received from any involved agency within the above specified thirty day (30) time period; and,

BE IT FURTHER RESOLVED,

that the Town Board hereby refers the application to the Town Planning Board for a recommendation on both a SEQR determination of significance and the specific proposal for rezoning.

On a motion made by Mrs. Burns, seconded by Mrs. Fuller, and a vote of 4 for, 0 against, and 1 absent, this RESOLUTION was adopted on December 9, 1998.

- - -

Councilman Davis noted she will vote in favor, however, she wished the applicant to be aware there were problems. She is concerned about the inherent problems. She noted she will be listening and that she tries to be open and understand what is trying to be accomplished.

Councilman Johnson noted he shares the interest and comments of Councilman Davis.

- - -

Supervisor Fuller said one Board Member was out of Town. Mr. Lenhardt was absent. She thanked everyone for their presentation.

Recommend
from Engineering
Services Michael
Cirillo for
acceptance
of deed
for Trinity
Manor

The next item was a recommendation from Engineering Services Administrator, Michael Cirillo, for acceptance of deed for Trinity Manor Subdivision.

The motion was made by Mrs. Davis and seconded by Mr. Johnson to approve the acceptance of deed for Trinity Manor Subdivision from Stylish Development Corporation, Schenectady, NY. The motion was passed by the following vote:

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

Parks and
Recreation
approval
seasonal
personnel

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

The motion was made by Ms. Burns and seconded by Mr. Johnson to approve the appointment of seasonal personnel as submitted by David Austin, Administrator, Parks & Recreation Department, as listed in his Memorandum dated December 9, 1998 and effective January 1, 1999. The motion was passed by the following vote:

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

The next item was a request from Gregg Sagendorph, Highway Superintendent, for approval to go to bid for gasoline and diesel fuel and heating oil. Could advertise December 16, 1998 and open bids on December 30, 1998 at 3:00 and 3:10 p.m. respectively.

Highway Superintendent to go to bid for gasoline and fuel and heating oil and resolution

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

WHEREAS, the Town desires to advertise for bids for the purchase of gasoline and diesel fuel and heating oil, pursuant to law,

NOW, THEREFORE, BE IT RESOLVED, that the Town Clerk advertise for such bids in THE SPOTLIGHT issue on the 16th day of December, 1998 and that bids be received up to 3:00 p.m. and 3:10 p.m. respectively on the 30th day of December, 1998 at which time the bids will be publicly opened and read.

The resolution was adopted by the following vote:

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

The following item was a request from Gregg Sagendorph, Highway Superintendent, for approval for purchases from State Contract and approval to go to bid for one (1) vibratory roller, one (1) hook-lift roll-off frame and one (1) boom mower attachment. Could advertise December 16, 1998 and open bids on January 4, 1998 at 3:00, 3:15 and 3:30 p.m. respectively.

Highway Superintendent to purchase from state contract and to go to bid for vibratory roller, hook-lift roll-off frame and boom mower attachment and resolution

The motion was made by Mrs. Davis and seconded by Mr. Johnson to approve the purchase of one (1) single axle packer truck, one (1) single axle dump truck and one (1) tractor for roadside mowing from State Contract as requested by Gregg Sagendorph, Highway Superintendent. The motion was passed by the following vote:

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

The following resolution was presented for adoption:

WHEREAS, the Town desires to advertise for bids for the purchase of one (1) two-ton vibratory roller, one (1) hook-lift roll-off frame and one (1) boom mower attachment, pursuant to law,

NOW, THEREFORE, BE IT RESOLVED, that the Town Clerk advertise for such bids in THE SPOTLIGHT issue on the 16th day of December, 1998 and that bids be received up to 3:00 p.m., 3:15 p.m. and 3:30 p.m. respectively on the 4th day of January, 1999 at which time the bids will be publicly opened and read.

The resolution was adopted by the following vote:

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

Highway
Superintendent
request adopt
resolution
supplemental
appropriation
Highway fund
cover material
expenses and
road maintenance
program

The next item was a request from Highway Superintendent, Gregg Sagendorph, for adoption of a resolution pertaining to a supplemental appropriation in the Highway Fund to cover material expenses and other costs of road maintenance program.

Councilman Burns commented it was not clear where the funds are coming from. Comptroller Kehoe said granting this request would increase the amount available to be expended and that would be coming out of the existing fund balance or reserves available within the Highway Fund.

The following resolution was presented for adoption:

RESOLUTION TO APPROVE A SUPPLEMENTAL APPROPRIATION

RESOLVED, that pursuant to Town Law Section 112, the Town Board does hereby approve a supplemental appropriation in the amount of \$130,000 from unappropriated cash surplus within the Highway Fund. The appropriation shall increase the General Road Repair line item, code D5110.4. The purpose of this supplemental appropriation shall be to enable the budget to accommodate costs incurred in the Town's ongoing roadway and sidewalk resurfacing and reconstruction programs.

The foregoing resolution was presented for adoption by Mr. Johnson, seconded by Mrs. Davis and passed by the following vote:

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

Noes: None.

Absent: Mr. Lenhardt.

Councilman Johnson commented to Highway Superintendent, Gregg Sagendorph, that a marvelous job has been done on Wemple Road and all the other projects this year. Mr. Sagendorph thanked Mr. Johnson noting his commendations should go to the employees. He said Wemple Road is the crown jewel of the Highway Department this year. Attorney Kaplowitz noted that they know that. Mr. Sagendorph said this should be extended to the Engineering Division also. Councilman Johnson said he had no idea what it would have cost if an outside contractor was used. Councilman Davis noted she has heard a lot of positive feedback from the residents of the area. She said they are delighted and they use it. Councilman Johnson agreed it is a real jewel.

Supervisor Fuller noted the real jewel is how Mr. Sagendorph has improved the Town Hall parking lot for the senior citizens who will get to try it out on Thursday. Mr. Sagendorph noted there are 30 more parking spaces and the crew will be out by noon on Thursday. Supervisor Fuller said they have worked morning and night and in the pouring rain.

Commissioner
of Public Works
Sewer District
Transfers

The next item was a request from Commissioner of Public Works, Bruce Secor, for Sewer District Budget Transfers. Supervisor Fuller asked if there were any questions or comments. She noted these transfers are very normal and routine for the end of the year and tonight is the Town Board's last meeting for 1998.

The motion was made by Mr. Johnson and seconded by Mrs. Davis to approve the following transfers for the Sewer District:

Transfer funds from Sewer District Administration Item G8110.1, \$27,000, to Sewer Treatment Contractual Expense Item G8130.4; and

Transfer funds from Sewer Treatment Personal Services Item G8130.1, \$32,000, to Sewer Treatment Contractual Expense Item G8130.4.

The motion was passed by the following vote:

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

Noes: None.

Absent: Mr. Lenhardt.

The following item was a request from Bruce Secor, Commissioner of Public Works, for Water District Budget Transfers. Supervisor Fuller said likewise, these are year end transfers for the Water District.

Commissioner
of Public Works
request
Water District
Budget Transfer

The motion was made by Mr. Johnson and seconded by Mrs. Davis to approve the following transfers within the Water District Budget:

Transfer from F8310.1 Water District Administration, \$28,000, to F8330.4 Water District Transmission Contractual Expense; and

Transfer from F8320.4 Water District Contractual Expense, Power and Supply, \$20,000, to F8330.4 Water District Transmission Contractual Expense.

The motion was passed by the following vote:

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

Noes: None.

Absent: Mr. Lenhardt.

The next item was a recommendation from Town Attorney, Bernard Kaplowitz, Esq., to appoint and approve payment of Ruth Leistensnider to defend the Town in the matter of Boyles, et. al versus Town Board Town of Bethlehem regarding the CMI Project, Delaware Avenue, Delmar. Supervisor Fuller explained that the residents have filed a Declaratory Judgement against the Town Board and the Town of Bethlehem. She indicated the Town Board needs to have legal representation since there has to be a response. She further noted Ms. Leistensnider was in attendance and presently serves as Counsel to the Town Planning Board.

Recommendation
from Attorney
Kaplowitz to
appoint and
approve Ruth
Leistensnider
to defend
the town
regarding CMI
project

The motion was made by Mr. Johnson and seconded by Mrs. Davis to appoint and approve payment of Ruth Leistensnider, Esq., to defend the Town in the matter of Boyles, et.al. versus Town Board Town of Bethlehem regarding the CMI Project, Delaware Avenue, Delmar.

Councilman Burns said she knows there are many qualified attorneys and she recommended and make a motion that the Board accept request for proposals for this project and get at least 3 quotes in order to save the Town of Bethlehem residents some money and get a lower per hour fee. Supervisor Fuller asked if the Town Attorney wished to address this issue. Town Attorney, Bernard Kaplowitz, said it was a novel suggestion indicating there is no law that requires that this be done. He said the reason for Ms. Leistensnider doing it was that she has sat through all the Planning Board meetings and is familiar with everything that took place. He noted anyone else would have to review hours and hours of minutes and testimony and everything else which Ms. Leistensnider already knows. He said it makes sense to have Ms. Leistensnider do it. He said traditionally the Zoning Board attorney has always handled appeals to the courts for Zoning Board decisions and the Planning Board attorney has handled the Planning Board. He said this does not mean that any law says it has to be this way. It seemed to Mr. Kaplowitz that even if someone a little bit less expensive was found, it would still make sense to have Ms. Leistensnider do it because of her knowledge and familiarity with the case. Mr. Kaplowitz noted the Town Board held the public hearing but all the real evidence was with the Planning Board.

Supervisor Fuller asked for a second to the motion of Councilman Burns that requests for proposals to hire an attorney to represent the Town in the matter of Boyles, et.al. versus Town Board Town of Bethlehem regarding the CMI Project, Delaware Avenue, Delmar. Motion failed due to the lack of a second.

Supervisor Fuller asked for a vote to the first motion to appoint and approve payment of Ruth Leistensnider, Esq., at a fee of \$175 per hour (note was made that her current hourly rate is \$215) to defend the Town in the matter of Boyles, et.al. versus Town Board

Town of Bethlehem regarding the CMI Project, Delaware Avenue, Delmar. The motion was passed by the following vote:

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

- - -

Councilman Davis commented that she has sat in on many Planning Board meetings since Ms. Leistensnider has been appointed and she feels she is very professional and very thorough. She noted she has called her on numerous occasions and situations where she had questions about particular issues that came before the Town Board after being at the Planning Board or vice versa and Ms. Leistensnider has been very helpful. Mrs. Davis does not believe the Town has been charged for those calls which she could have but she has a great deal of confidence in Ms. Leistensnider, noting she is from one of the more highly respected law firms in our area. Councilman Davis said she appreciated Councilman Burns's recommendation but she wanted everyone to know she has a great deal of confidence in Ms. Leistensnider.

Councilman Burns said the issue is not about Ms. Leistensnider or her qualifications, the issue is to expand this to other qualified attorneys in order to see if a better price could be gotten and save money for the Town of Bethlehem. Councilman Davis responded that she thinks Attorney Kaplowitz's reasoning was probably what she would say. She thinks they were very good reasons.

Supervisor Fuller made a point that many times these governing bodies are faced with a law suit and this is a cost to the taxpayers and the Town of Bethlehem. She said the Board has to hire counsel. She said there are at least 2 suits that become very costly regardless of who the attorney is. She said this is a cost to taxpayers when these law suits are filed but the Board needs to be represented. She noted it's a cost that no one likes to bear.

Request from
 Comptroller
 approval
 Budget transfer

The following item was a request from Judith Kehoe, Comptroller, for approval of Budget Transfers. Supervisor Fuller noted these are all the remaining budget transfers for 1998.

The motion was made by Mrs. Davis and seconded by Mr. Johnson to approve Budget Transfers as listed in the Memorandum from Judith Kehoe, Comptroller, dated December 4, 1998. The motion was passed by the following vote:

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

Resignation
 Planning Board
 Member Parker
 Mathusa and
 Reappoint
 Parker Mathusa

The following item was to accept a resignation for Planning Board Member, Parker Mathusa effective December 11, 1998 and reappoint Parker Mathusa as Member of the Planning Board effective December 15, 1998. Supervisor Fuller explained this item is necessary for the New York State Retirement System. She explained Mr. Mathusa has served the Planning Board since January of this year. She said he has made the decision to retire from his daily job and as a result New York State Retirement has requested that he be out of the system for 1 day so he needed to resign for a day and he can be reappointed in the same motion.

The motion was made by Mr. Johnson and seconded by Ms. Burns to approve the acceptance of resignation of Planning Board Member, Parker Mathusa, effective December 11, 1998 and reappoint as Member of the Planning Board, Parker Mathusa, effective December 15, 1998. The motion was passed by the following vote:

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

Supervisor Fuller told Mr. Mathusa to enjoy his day off and welcome back. Councilman Davis noted Mr. Mathusa should enjoy his real retirement. Councilman Johnson said that was the important thing.

The following item was to approve the Town Board minutes of November 24, 1998 as submitted.

The motion was made by Mr. Johnson and seconded by Mrs. Davis to approve the Town Board minutes of November 24, 1998 as submitted. The motion was passed by the following vote:

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

Approve Town
Board Minutes
November 24,
1998

SUPERVISOR FULLER: Is there anyone in the audience who would like to address the Board this evening?

MR. SECOR: At the previous Board meeting, Mr. Kelleher made some statements and I have circulated to the Town Board a response to those statements and there's some information from that which I would like to read into the record and also some additional information which I need to distribute. The Board Members all got a copy of the letter from J.H. Consulting in response to Mr. Kelleher's statement. I want to touch on a few points and I brought a copy -- Mr. Kelleher is here -- and I brought a copy to give him so he can study this. I am going to read parts of this and then give you some additional information. Mr. Kelleher made some comments about the Clapper Road water purification plant. We have a number of experts who represent the Town in this matter and this is a response from J.H. Consulting which is our primary consultant for water quality compliance. These... I am reading from J.H. Consulting letter -- I would like to respond to some of the comments made by Mr. Kelleher to the Bethlehem Town Board concerning the Clapper Road water purification plant. Since the water plant was placed in service, every State and Federal drinking water monitoring requirement has been satisfied. This is a demanding set of chemical monitoring requirements for over 130 different analytes. Not a single maximum contaminants level has been exceeded. Mr. Kelleher's criticism of the water system is unjustified. He continuously focuses on total organic carbon and organic nitrogen. He has used several data points from the plant testing to draw conclusions rather than evaluating current total organic carbon values under actual operating conditions at the plant. Total organic carbon is an indication of natural organic matter. This is a diverse mixture of aquatic natural organic substances that exhibit a wide range of chemical and physical characteristics. Humic substances comprising leached soil and organic materials from vegetation decomposing account for a large portion of total organic carbon. The total organic carbon values for the Clapper Road water system can be classified as low to moderate which is opposite from what Mr. Kelleher has been categorizing them as. There is presently no monitoring requirement or maximum contaminant level for total organic carbon in New York State Sanitary Code. The recent interest in total organic carbon has to do with parameters and disinfectant by-products, one of which is Total Organic Carbon, TLCs. The trihalomethanes which I will get to in a minute. A survey of 308 surface water plants has averaged total organic carbon concentrations as high as 12.8.

Mr. Secor
addressed the
board about
Clapper Road
Water Purifica-
tion plant

I think it is very unfair of Mr. Kelleher to say that the Clapper Road treatment plant had the worst water quality in Northeast based on a limited total organic carbon data he presents when, in fact, the values for that plant are in the low to moderate range.

The next issue was on the trihalomethanes which is a by-product of disinfection. When you add chlorine to the water, you end up... one of the by-products is trihalomethanes. The contention that

trihalomethanes are not in compliance with State and Federal standards is not correct. The average trihalomethanes samples from January 1996 which is when the plant first opened up, through August 1984 which is a total of 44 samples, produce an average trihalomethane, THM, content of 55.9. The standards is 100. We are basically, just less... just about at a half of what the standard is. An average of all water supplies in our data base which J.H. Consulting serves, is approximately in 15 counties in upstate New York, 1,657 samples produced a total average of 52.12. So, we are almost at the average with the plant.

In addition to the response from J.H. Consulting, I also want to distribute to the Town Board 2 other letters, one of which is from the Albany County Health Department. This letter was just received today and it's again, involves the trihalomethanes issue. And, I will just read a couple sentences from this letter, this is from the Albany County Health Department which is in charge of monitoring compliance for all water systems in Albany County. We have enclosed a compliance summary for sampling at the Clapper Road system for the last 3 years. This system has remained in compliance with the current standard for trihalomethanes and is well below the future standard for trihalomethanes which is expected to become effective in the year 2002. Based on our review of your system, it is not anticipated that you will have any problem complying with the lower standard. I give the Board each a copy of these. This is a response to both Mr. Kelleher and a letter sent out by Mr. Davies.

Couple things that I would ask you to note in this, the plant is in compliance and this is not an issue which is new in 1998. The other item I want to hand out to the Town Board are a series of letters starting back in 1995, there is another letter in 1996, a letter in 1997 and a letter in May of 1998 all from the New York State Health Department. All of them addressed to either Mr. Kelleher or Mr. Davies. Each of them deals with compliance issues. Each of them states very clearly that we are in compliance, not only with the total trihalomethanes State requirement but with all the MCL requirements.

In the previous statement by Mr. Kelleher, he also stated that it was now his feeling that all of the water coming to the infiltration system or the majority of the water that was coming from inland rather than from the river side, this was a complete flip-flop from some earlier positions. He then state that earlier on he had said it to the Board, that there could only be 1 explanation for the total organic nitrogen levels in the water and that was because there were huge sludge banks in the bottom of the river. The last meeting he came back and said nope, there's no sludge banks in the river, now it is a big leak from the wastewater treatment plant. There is no evidence of a leak in the wastewater treatment plant. Over the last... about 3 or 4 years ago, we spent 2.5 million dollars at the sewage treatment plant. Every tank was dewatered, all the tanks were inspected by the State of New York, where they needed new bottoms or repairs, they were put in. There was no evidence of leakage. The only concrete deterioration we saw was the normal freeze/thaw deterioration we get in wastewater treatment plants. The plant is about 20 years old, so we have rebuilt all of the facilities. All of the chemists, all of the engineers, all of the ground water specialists who have been down there have basically said the same thing about the source of the total organic carbon and the source of the total organic nitrogen in the water and that is because we are surrounded by wetlands. And, it was stated in the letter from J.H. Consulting, the source of the material is from decaying vegetative material. Just like up in the Vly Creek Reservoir, there are dead leaves; there is algae; there are seed grasses that are waterborne grasses -- they grow in the summer and die off in the winter. There is our natural organic materials in the water. The purpose of the filtration plant is to remove those things. Not in Mr. Kelleher's letter but in the other statements, he referred to the fact that if you could only fix this problem at the sewage treatment plant the water quality would some how magically change, the plant is thousands of feet away. That is not the source of the problem here. It has been thoroughly investigated.

There was a complete study done up front by water quality people not only from the primary design folks but also from the people who provided the treatment equipment for the water purification plant. We have a quantity problem. The new system, the facts are very well known, that we are not getting the quantity of water... the infiltration system that was originally intended the Town Board has acted very decisively. We have hired an engineering firm to look at solutions. We have hired a legal firm to look at recourse against the original designers and both of those are moving forward.

I realize there is some impatience with getting all of the answers and we are working on those. O'Brien and Gere is expected to be here the second meeting in January to present a report on the test well and also the recommendations and findings for some of the other things that they are studying on. Some of these things take time. It takes time to take the samples. We are continuing to pump the test well to look at long... the longer range water quality data, draw down data and that will be presented in the January meeting.

I was hoping not to get into a debate, but I cannot sit idly by and have charges that run from one end of the spectrum to the other without response. This needs to be handled responsibly. You have the documentation. This has been going on... I included in the work to the Board some articles from way back in 1994. This hysterical science, the scare tactics on THMs and TLCs has been going on for 4 or 5 years. It's not based on credible science. It's not based on actual laboratory results. We are in compliance not because I say so because the New York State Health Department, independent laboratories, independent consultants and the Albany County Health Department who regulates us directly say we are in compliance. And, I just think we need to have them in record and understand that the water supply from the Clapper Road plant is not a quality problem, it is a quantity problem. And, we are working to resolve that quantity problem. Thank you.

COUNCILMAN DAVIS: Thanks, Bruce.

COUNCILMAN JOHNSON: Thank you.

SUPERVISOR FULLER: Bruce, you had a letter we received... all of us received from Mr. Davies this week. Did you address that about the test result that Mr. Davies wrote in his letter that we had all you had seen and you were holding it from us?

MR. SECOR: Yes, that was covered in the letter from the Health Department. We never received that and I called the Health Department and challenged them on that and it is included in their response. They had not sent it to us, it was an oversight on their part. And, when Mr. Davies went down there, it is my understanding that that was explained to him directly and the letter he wrote to the Board was not accurate.

SUPERVISOR FULLER: Okay.

COUNCILMAN BURNS: On another related subject. In the materials we received in our packet, it said that a permit for the dredging for a one time dredging was given.

MR. SECOR: Right.

COUNCILMAN BURNS: And, I noted in there... noticed in there it needed to be done by March but there was no indication of when that will be done.

MR. SECOR: The contractor mobilized yesterday and he is on site now.

COUNCILMAN BURNS: So, it's being...

MR. SECOR: We're waiting... last week when I talked to the contractor, he was still working down in New Jersey. He pulled off the job there to come up and do this and he is going back to New Jersey to work. But, he is working down there now.

COUNCILMAN BURNS: So, when do you expect it to be done?

MR. SECOR: By the end... by Monday or so next week. It's about a 4 or 5 day operation.

COUNCILMAN BURNS: So, next week the dredging will take place.

MR. SECOR: The test dredging will be completed, right and then O'Brien and Gere will come back and do their follow-up study. They have done the siltation measurement before the dredging and then according to the work plan they gave to the Board, after the dredging is done, they will go back and resample and then they are going to watch it on a... there was a work plan based on 20 percent of yield and 50 percent of yield loss that they would go back and do measurements so that they can do their calculations. So, that's ongoing.

COUNCILMAN BURNS: Okay. I just think it's important that everybody know that the Army Corps did allow a 1 time dredging permit to the Town.

MR. SECOR: That was in the Spotlight today or yesterday... today.

COUNCILMAN BURNS: I haven't read that yet.

MR. SECOR: Yes, okay.

COUNCILMAN DAVIS: And, that's all that was requested.

MR. SECOR: That's correct.

SUPERVISOR FULLER: Mr. Kelleher.

MR. KELLEHER: Yes, thank you. Mr. Secor has explained exactly... I was going to come here tonight to talk to you about. I'm glad he did it. And, I hope you will give me some time to reply to what he just told me because I thought I would wait until O'Brien and Gere came in with their reports. I felt it was much more important for the Town Board to understand what has happened here.

Now, Mr. Secor says I've done a flip-flop. I had absolutely no engineering data whatsoever except 1 report. It's a very significant report on the amount of total organic carbon and ammonia in this water and from the test well in 1993. I had absolutely no data to know where this water came from. All the secret reports were hidden. I had no data and in fact, I still don't have any data today. I asked for a flow net analysis, it was never made. I asked for a sanitary survey, it was never made. I had to assume that the water was coming from the bottom of the Hudson River because 7 engineers and 2 water chemists said it was. So, how... what else could I assume? I saw the laboratory analysis which clearly indicated it is not humus material. It is not natural vegetation and Mr. Halsted is completely wrong, absolutely wrong. Total organic carbon, is this an indication that you got organic material in the water.

SUPERVISOR FULLER: Mr. who, I am sorry, Mr. Kelleher. I didn't get it.

MR. KELLEHER: Mr. Halsted. How do you spell it?

MR. SECOR: Halsted.

SUPERVISOR FULLER: Okay, Mr. Halsted.

MR. KELLEHER: Jack Halsted, okay. He doesn't know what he is talking about.

SUPERVISOR FULLER: Mr. Halsted?

MR. KELLEHER: No. Yes... he does not know what he is talking about, the total organic carbon is running waste... it is running burial site water, it's running everything. It's running sewage sludge. It's running sludge from the bottom of the river. All it does is

tell you that it's organic material in the water. All right. If you identify the specific organic compounds that are in the water and this is what EPA recommends by the way. EPA's criteria for trihalomethanes is based on surface waters that have natural decaying vegetation or natural used material in that water. I don't question that at all. But, this is not natural humus material. You know how I can tell, the ratio of organic carbon to organic nitrogen in this water at times has been 1 to 1. Natural humus material identified by EPA and water authorities throughout the world the ratio of organic carbon to organic nitrogen is about 40 to 1. This water based on your own laboratory analyses, Mr. Secor, and your workers do a very good job by the way. I have to compliment the workers at the Clapper Road plant because they gave me the data where I can firmly tell you that this is coming from the sewage treatment plant. It is not coming from the bottom of the river period.

If you don't want to believe me, you are going to run into the same problem that Mr. Husted got us into... Mr. Halsted, I am sorry, got us into when he refused to investigate... you can make a wrong interpretation but when you see the high ammonia and a high organic carbon in the water sample, you don't discard it and call it an abrogation which is what they did. They called it laboratory contamination and how do I know? Because we made absolutely sure when Joe Glazer submitted his petition we addressed that problem. And, DEC, Department of Health, Albany County Health Department, all the consultants agreed that this was an abrogation. Did they ever tell you, the Town Board, that \$650,000 was spent on ozone equipment? And, it can't be used.

SUPERVISOR FULLER: I believe I had the pleasure of conducting the public hearing.

MR. KELLEHER: Yea. You know why they can't use it? Because they will oxidize the organic nitrogen materials and the trihalomethane will be 85 percent higher. The only time this water has ever been treated... guess what happened. The trihalomethane... treated with ozone I should say... the trihalomethane went up 85 percent. Did they tell you that at the meeting? Did they tell you about the 2 parts per million.

SUPERVISOR FULLER: Everything's been done right here in the auditorium or in 106.

MR. KELLEHER: I was at that meeting. They didn't tell you about that. And, that's why we can't and the Health... can't use the ozone equipment and I talked to people in the Health Department and they know it. Unfortunately, some of those people got transferred out. I don't want to get into that.

SUPERVISOR FULLER: I believe it was the Health Department that required the Town to have the ozone unit.

ATTORNEY KAPLOWITZ: It was the State.

MR. KELLEHER: Yes, yea.

SUPERVISOR FULLER: If you don't mind, Mr. Kelleher, the statement in here about 7 engineers that 90 percent of the well water comes from the infiltration of Hudson River water down through the bottom of the river. Who are these 7 engineers?

MR. KELLEHER: You want me to read them -- Mr. Secor, Rust, Environmental Infrastructure, Ken Fraser and Associates, Engineers from Department of Environmental Conservation, Engineers from the Department of Health, the Engineers in Albany County Health Department and now O'Brien and Gere.

SUPERVISOR FULLER: Okay. It was the State agencies that I was...

MR. KELLEHER: And, the 2 consulting water chemists are Jack Halsted and Kenneth Drautz. Is that his first name? Right. Now...

SUPERVISOR FULLER: All of these people have made the wrong assumption.

MR. KELLEHER: Yes. So, as an engineer how could I possibly go against this? And, how could Bob Alessi ignore this in a law suit? That's why I endorsed dredging. I endorsed the test well because the Town Board should be aware of these facts and let them prove... let O'Brien and Gere prove who was right and who was wrong. That's all I am asking, Mr. Secor, I am just asking let them prove that you are right and I am wrong. All right. Now, in terms of the...

SUPERVISOR FULLER: You know, Mr. Kelleher, I don't think it's a case of who's right and who's wrong. I think you know what's going on in this community, as well as, everyone else does. You know, this is a new water supply for the Town of Bethlehem. It is the very same people that asked that the water be separated and sent to the industrial use only. Once that mission was accomplished, then there wasn't an issue. And, now we start going back to day 1 in 1991, 1992, 1993 and we are creating all the same issues that were there years ago. There's nothing new or different happening here.

MR. KELLEHER: Oh, yes, there's... what I am trying to get at is if we can find the source of contamination at the sewage treatment plant, and eliminate it, we may have a good quality water. I can't talk about the amount of water. I... that's what the law suit is about. What I am trying to say is, that if we can eliminate that contamination -- it's not coming from the river. That I... the majority is not coming from the river. If it's coming from the sewage treatment plant, then let's eliminate it and then we can take a look and maybe we can use the water for something else besides industry.

COUNCILMAN DAVIS: Mr. Kelleher, were you listening when Bruce explained that apparently there have been a number of people who have inspected and found specific conditions that existed there.

MR. KELLEHER: Can I comment on that? I went over the DEC...

COUNCILMAN DAVIS: I mean maybe...

MR. KELLEHER: Region 4... okay, I know what you are asking. I went over to DEC Region 4. I went through all their files and there's no such investigation period. Now, from his very own laboratory and they are very good results, I don't question them at all. In fact, I give Mr. Secor and his crew compliments on getting that data. 900... I beg your pardon, 780 pounds of ammonia were pumped from that well in the month of January 1997, right. That's a lot of ammonia, an awful lot. In fact, it is comparable to the population of 2,000 people. There's no way that kind of ammonia could be coming from... in the wintertime could be coming from any other place except the sewage treatment plant because the production of ammonia in sludge deposits and your humus material stops at 52 degrees Fahrenheit. And, the temperature of the river water was 32. It has to be coming from the sewage treatment plant and if you don't want to recognize it. If you don't want to improve this quality of the water, fine. If you don't realize that the cause is coming from the land side, that is one of the reasons why it's a low well yield, okay fine. I am just trying to inform you, the Town Board, of what... of questions to ask O'Brien and Gere. Don't ask the people who got us into this trouble to begin with. Any other questions?

SUPERVISOR FULLER: The only...

MR. SECOR: I have got to. I know it's getting late but I got 2 things.

SUPERVISOR FULLER: The only thing I would like to mention is and I am sorry that the high school students have left, 2 weeks ago we had a Board meeting and Mr. Kelleher you did stand up and address the Board and you did mention the water from the sewage treatment plant and no one responded at that time because we have been advised by Counsel that this is not very appropriate meeting after meeting to keep having you, Mr. Davies, Mrs. Burtis raise these issues and we respond and we are debating the case in the public. We are not as a result responding but what happened at the end of that meeting is, 2 young men from the high school came up and said Mrs. Fuller, are we really drinking sewer water? And, from that point on, regardless of

the lawsuit, this community cannot be fooled by this. And, at each and every meeting, there will be a statement and we will go through debating this every meeting. It's wrong, it's unfair. This community has been down that road before. The issue is over with. To start it up again with the quality of the water, is wrong. So, you need to know it. I'm sorry Mr. Davies is not here but we will have to assure our residents this is not accurate. I live in this community and the last thing I am about to do is drink sewer water.

MR. KELLEHER: I'd like...

MR. SECOR: No, just take a turn. I just want the Board to recognize what just happened. I gave you the lab results and the test results. The total organic values of this water system are in the low to moderate range. Mr. Kelleher comes up and talks to you about high TLCs. We don't have high TLCs. He bases his whole conclusion on facts that aren't... that don't exist. And, this is the problem in dealing with Mr. Kelleher over the last 3 years. He fixates on some number that doesn't exist and draws conclusions from them.

COUNCILMAN DAVIS: 5 years.

MR. SECOR: Five years, whatever. But, I just... you know... and this thing with the sewage treatment plant. There is no evidence of a leak, it is thousands of feet away. That is not the issue. The chemists are not wrong on what they are doing. The water quality from the raw water infiltration system is exactly... in fact, it's better than what was predicted in terms of the iron levels and other levels. It is completely treatable at the water purification plant. We meet all standards. Mr. Davies went on to point out in his letter that it would ruin hot water heaters... the iron in the water ruin the hot water heaters. There is no iron in the treated water. You take water out of the ground, it has iron in it. But, the reason for the treatment plant is to remove the iron. It meets all standards. It is not harmful. It doesn't do anything. And, this nonsense has to stop.

MR. KELLEHER: I would like to reply to you, Mrs. Fuller. I didn't come here with the intention of criticizing the water. I know it's not going to be in.... I have always told you when people ask me, I have told people... it would be political suicide to pump that water as it exists now into the existing pipelines period because it would smell and taste terrible. And, that's what I am trying to tell you is that maybe possible to correct that situation. And, that's the only reason I'm bringing the water quality up now. I am all for it, the lawsuit. And, I don't think it hurts the lawsuit at all to talk about where the water is coming from because that has to do with well yield too.

SUPERVISOR FULLER: The issue with the lawsuit is quantity which is a very important word. Quality has never been an issue here.

MR. KELLEHER: Mrs. Fuller, I heard at a meeting here where Mr. Alessi told Mr. Davies water quality would be considered. What I'm trying to tell you now is that if you try to get additional water from the wells on the land side, the water is going to be worse not better. I need a drink of water, by the way, I am sorry.

ATTORNEY KAPLOWITZ: Bill, this is no different, I don't think and maybe it's my legal background... if you went to a hardware store tomorrow and bought a toaster and the darn thing didn't work when you got it home. What would you do with it? You would bring it back and say give me a new toaster or fix this toaster but do something. We bought and paid a lot of money for a water system that isn't providing what we... what it was supposed to do. So, we are suing them. Who is at fault and what went wrong, is an engineering decision. We got more engineers than we know what to do with. They're going to hopefully...

MR. KELLEHER: I agree with you.

ATTORNEY KAPLOWITZ: We are surrounded by engineers. I don't know what a trihalomethane is frankly and I don't care.

MR. KELLEHER: No, I don't even want to get into that question.

ATTORNEY KAPLOWITZ: My point is, this is not a big deal. And, we have hired the best engineers we could find. We are relying on national firms and everything and you know... they have to tell us who made the mistake. I don't know the answer. Only an engineer is going to be able to tell us that.

MR. KELLEHER: If you... if we get water... additional water somehow it is going to have to come from the land side, the test well, right?

ATTORNEY KAPLOWITZ: I wouldn't know if you are right or wrong, I have no idea.

MR. KELLEHER: If you want that water quality to be worse than what it already is, you know?

ATTORNEY KAPLOWITZ: I can't believe that the engineers we hired are going to let that happen. It doesn't make any sense to me. If the water is no good then we'd have to sue the engineers who were helping us to sue the other engineer, I suppose.

MR. KELLEHER: That's a possibility.

ATTORNEY KAPLOWITZ: Sooner or later if that happens but, you know...

MR. KELLEHER: In the long run. Look I'm trying to help the Town Board.

SUPERVISOR FULLER: And, then we make the lawyers rich.

COUNCILMAN DAVIS: And, Mr. Kelleher, I appreciate that. I mean I do appreciate anybody who is trying to help us. But, when you give numbers like 7 engineers and 6 engineers and 2 water chemists and 6 engineers and 2 water chemists and numbers that are that high and you're saying that they are wrong, I find it... I think you have to remember it's really hard for us to say, why would we believe one person when all these other people have given us the same thing.

MR. KELLEHER: I'm glad you mentioned that. That's why I put it in there.

COUNCILMAN DAVIS: You know, I mean, you are one person.

MR. KELLEHER: Yes, no question about it.

COUNCILMAN DAVIS: I think we'd be irresponsible to say you are right.

MR. KELLEHER: That's right.

ATTORNEY KAPLOWITZ: If that turns out to be right, I would like to get some of our money back from the other guys, frankly, if that's possible.

COUNCILMAN DAVIS: That's right.

MR. KELLEHER: You're right too.

ATTORNEY KAPLOWITZ: I'm not joking, I'm laughing but I'm...

MR. KELLEHER: No, no, I'm serious about this. The reason I put it in there is I wouldn't expect you, the Town Board, to accept me. That's why I support Bob Alessi's lawsuit completely. The dredging and the test well but I want to warn you, that O'Brien and Gere made a huge mistake in saying that 90 percent of the water was coming from that area we dredged. I heard them at a public meeting. They said it here. That's completely wrong. So, I want to warn you about that. Okay.

COUNCILMAN DAVIS: Thank you for the warning.

ATTORNEY KAPLOWITZ: Thank you.

SUPERVISOR FULLER: Thank you, Mr. Kelleher.

MR. SECOR: Let me ask one thing. Mr. Kelleher, all of the work done by O'Brien and Gere has been presented publicly and put in the public record. You've asked about a flow net analysis. Have you done a flow net analysis?

MR. KELLEHER: It's impossible for me to do a flow net analysis. You never gave me the data.

MR. SECOR: All right.

MR. KELLEHER: I asked for the data. They had a well... observation well on the land side that Mr. Fraser wrote to the Health Department and said they're going to use it. Did they use it? I asked for it in the Freedom of Information request and you never gave it to me. I asked for water levels in the wells, you never gave them to me.

MR. SECOR: That's not true.

MR. KELLEHER: But, let's not go...

MR. SECOR: I gave you 2 years of worth of water monitoring data.

MR. KELLEHER: Let's not hash over the things that you didn't give me that you withheld.

COUNCILMAN DAVIS: Well, you're hashing it over, Mr. Kelleher. So, why don't we stop.

MR. KELLEHER: No, I'm not. Mr. Secor is bringing it up.

COUNCILMAN DAVIS: No, you are.

MR. KELLEHER: He is saying I'm flip-flopping.

ATTORNEY KAPLOWITZ: I move we adjourn.

MR. SECOR: For the Board's knowledge, all of the statements and things that Mr. Kelleher has given us, have been forwarded to O'Brien and Gere and we've asked them to include that in their response to the Board so that the report is comprehensive in addressing all of the issues that have been raised.

SUPERVISOR FULLER: I think the night of the public hearing for the dredging, Mr. Kelleher addressed some of these with O'Brien and Gere and they did respond that evening.

COUNCILMAN DAVIS: We've heard the answers.

ATTORNEY KAPLOWITZ: You expect them the second meeting in January?

SUPERVISOR FULLER: We are hoping we will have them here then.

ATTORNEY KAPLOWITZ: I'm going to get sick. I'll be sick, I can tell.

SUPERVISOR FULLER: That's what the plan is anyway, the second meeting in January. The 13th will be the organizational meeting, as well as, a regular agenda.

Supervisor Fuller asked if anyone else would like to address the Board this evening. There were none.

The motion was made by Mr. Johnson and seconded by Mrs. Davis to adjourn the regular Town Board meeting at 9:45 p.m. The motion was passed by the following vote:

Adjourn
regular town
board meeting

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

Noes: None.

Absent: Mr. Lenhardt.

- - -

Supervisor Fuller wished the community happy holidays and that everyone's holidays be very festive filled with joy and may next year be very healthy, wealthy and wise for all. She thanked the television crew.

Kathleen A. Newkirk
Town Clerk