

TOWN BOARD  
FEBRUARY 28, 2001

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  
Daniel G. Plummer, Councilman  
Susan Burns, Councilman  
Kathleen A. Newkirk, Town Clerk  
Robert Alessi, Esq., Town Attorney

ABSENT: Doris M. Davis, Councilman

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SUPERVISOR FULLER: Good evening and welcome to a meeting of the Bethlehem Town Board. We'd like to invite all of you to join us in the pledge of allegiance.

Are you able to hear me in the back of the room?

Audience: Yes.

Thank you. The first item on tonight's agenda is the public hearing for the proposed Water District Extension for Outer Orchard Street and the Orchard Estates Subdivision. Ask the Clerk to read the call of the hearing.

TOWN CLERK NEWKIRK:

LEGAL NOTICE

IN THE MATTER OF EXTENDING WATER DISTRICT NO. 1 OF THE TOWN OF BETHLEHEM, ALBANY COUNTY, NEW YORK.

ORDER – SET HEARING FOR PROPOSED WATER DISTRICT EXTENSION FOR:  
OUTER ORCHARD ST. AND THE ORCHARD ESTATES SUBDIVISION.

PURSUANT TO ARTICLE 12-A OF THE TOWN LAW.

WHEREAS, a map and report dated October 1992 (revised January 2001) have been prepared by J.K. Fraser and Associates, engineers, duly licensed by the State of New York, and filed in the Office of the Town Clerk of the Town of Bethlehem in such manner and detail as is hereby approved by the Town Board relating to a proposed extension of Water District No. 1 of said Town, and showing the boundaries of the proposed extension, with a general plan of the proposed water system and a report of the proposed method of operations; and

WHEREAS, the boundaries of the proposed extension to the district are as described in Exhibit "C" attached hereto and made part hereof, containing 132.8 Acres more or less; and

The above described area being more fully shown on a map entitled "Water District No. 1, Town of Bethlehem, Albany County, New York, Proposed Outer Orchard Street Extension dated October 1992 (revised January 2001) and made by J.K. Fraser and Associates, Consulting Engineers, Rensselaer, New York.

WHEREAS, the total costs of all said improvements and the maximum amount proposed to be expended therefore is \$223,000, which will be borne by the developer of The Orchard Estates Subdivision within said proposed extension; and

WHEREAS, the improvements proposed to be made consist of the construction of a new water supply system, and which will be paid for by the developer and, therefore no bonds will be issued by the Town of Bethlehem, and

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WHEREAS, it is proposed that the cost of making such improvements shall be paid for by the developer and shall not be assessed, levied and collected by the Town Board from the several lots and parcels of land within the extension in the same manner and at the same time as other charges and,

WHEREAS, said map, plan and report describing said improvements are on file in the Bethlehem Town Clerk's office for public inspection.

NOW, on motion of Mrs. Davis and seconded by Mr. Plummer it is hereby

ORDERED, that the Town Board of the Town of Bethlehem shall meet and hold a public hearing in the Town Hall, 445 Delaware Avenue, Delmar, New York on the 298<sup>th</sup> day of February, 2001 at 7:30 p.m. on that day to consider said map, plan and report and to hear all persons interested in the subject thereof concerning the same, and to take such action thereon as is required or authorized by law, and it is further

ORDSERED, that the Town Clerk be and she hereby is directed to publish and post certified copies of this order at the time and in the manner provided by law.

The adoption of the foregoing order was put to a vote and upon roll call, the vote was as follows:

AYES: Mrs. Fuller, Mr. Lenhardt, Mrs. Davis, Ms. Burns, Mr. Plummer.

NOES: None.

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

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State of New York)  
County of Albany )

ELIZABETH BRADT 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 14<sup>th</sup> day of February 2001.

/s/ Elizabeth Bradt

Sworn to before me this 14th day of February 2001.

/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 February 14, 2001, 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  
28th day of February 2001.

/s/ Catherine T. Picarazzi  
Notary Public

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The motion was made by Ms. Burns and seconded by Mr. Lenhardt 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, Ms. Burns, Mr. Plummer.

Noes: None.

Absent: Mrs. Davis.

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SUPERVISOR FULLER: Mr. Johannessen, would you like to give a brief overview and if it's not you, identify who is for all the residents that are here this evening. Mr. Watkins is going first, okay.

MR. WATKINS: My name is Gray Watkins. I am one of the partners in Orchard Street Associates and I'll give you a little history... a brief history of our project. The Board has heard it many times so they are very familiar with it.

Myself and 3 other people in 1988 became aware that there was a parcel of land available for sale from some people who had lived in the Bethlehem area for a long time. One of our partners in Orchard Street Associates was good friends with them. We spoke with the lady who decided that we were the kind of people that she would like to have own that property. We told her exactly what we intended to do which was to try to get subdivision approval for a few large lots and build nice homes there. To develop it in a way that was consist with what were existing along Orchard Street, recognizing its unique character and rural and nice character.

So, that was the easy part we thought. We thought that we would obtain subdivision approval and that the water and septic systems would be available... water through well and sewer service through septic for each individual lot. Well, we've learned a lot in 12 years that it has taken us to get to this point. Water is not generally available by well there so luckily from that perspective the water line extends to the northerly point of the property so we said, okay, this was in 1991, we decided let's just bring the water around. How expensive could that be? So, we did a water report, submitted that to Bruce Secor in December of '92, I believe and thought that we would then look into the septic aspect and then get subdivision approval, satisfy the Planning Board's needs and go from there. It turned out that the type of soil... the consistency of the soil doesn't lend itself to septic systems, at least not without the County requiring that a lot of additional fill be brought in. The septic areas, leach field areas, actually be constructed, allowed to sit for a year, test it and then go from there. That was a significant additional expense. We said let's take a look at the cost of bringing sewer around, which we did. By now, I think 3 more years had elapsed... actually probably longer than that so we did perform, I believe it was in '97... when was it Bruce it might have been, somewhat earlier... '94 I think it was... sewer study to determine the best way to do it. The best way because of the topography being a forced main system as opposed to a gravity system, which is suitable in certain other areas, we determined what the cost of that would be and by the time we added up the numbers for the cost of extending the water and installing sewers, the closest sewer line existing now which wasn't even in existence then being the intersection of Fisher Boulevard up at the Cedar Ridge project. We realized the cost of doing those things plus the cost of what we paid for the land initially, plus the engineering and other development costs would mean that a builder would have to pay an astronomical sum for each lot, therefore, making the project pretty much infeasible.

So, at some point the State contacted us by now, 4 years ago maybe 5 years ago, indicating that the Five Rivers facility was in need of both water and sewer service and that they might be able to help us or do something with us so that we could, together, bring water and sewer down and around the perimeter of our property which you can see on this map. This is Orchard Street that comes around ultimately all the way back to Delaware Turnpike, Delaware Avenue. The road into the Five Rivers facility, Game Farm Road, is right here. So that helps give you an idea of what we are talking about. The 42 and ½ acre parcel is outlined in green. The proposed sewer district extension at

this point consists really of this project and I'll explain why in a moment. The water district extension is outlined in blue which is a much larger area. The water line presently terminates here, the water district has extension would consist of all of the blue area that you see. So, we as developers with some help from the State in order to get water and sewer to the Five Rivers facility would be spending our own money to bring the water all the way around to here and to bring the sewer from ½ mile up Orchard Street all the way down and around the perimeter of the property. As a force main system, each house, each residence, or structure serviced by the sewer system would have to have a fairly expensive grinder pump system. Environmental Lawn over in Niskayuna is the principal manufacturer of system although I think there are other companies that manufacture them as well. The thought of why we are extending the sewer district just around the perimeter of our property is because we're paying for it and the thought of extending it elsewhere... we haven't really thought of extending it elsewhere because of the significant additional expense to each homeowner and Sal who is here, one of our former partners, indicates some of you may be interested in extending the sewer district elsewhere and that is something you can talk with Mr. Secor about.

But, our plan is to extend the sewer line, as I said, from Fisher Boulevard around the perimeter of the property so as to service the lots that we have subdivided and already received subdivision approval for in this 42 acre parcel. This entire 42 acres is subdivided into... and I have another map I could show you... but into 11 lots. The largest of which is 14 acres... 14 ½ acres. The smallest of which is a little bit more than an acre. They would average somewhere in the neighborhood of 2 acres... 2+ acres. Don't mean to ignore you.

So, that is consistent with our original intention of not developing anything intensely... to intensely in trying to make it possible for nice big homes to be built there. We will probably not actually construct the homes. Our job all along... our goal all along was to simply develop the property and sell it and hopefully make a little bit. So, that was where we started 12 years ago. That's where we're still at.

So, that's the overall project. I think Howard Johannessen with J. Kenneth Fraser and Associates might have some specific answers if you have specific questions from an engineering standpoint. Bruce Secor may have some answers to questions you may have from the more generalized standpoint about what this means for this part of the Town and the Town in general. And I, of course, would be happy to answer any questions that you may have for me.

MR. JOHANNESSEN: I'm Howie Johannessen from Fraser and Associates. The only thing I'll do is maybe just outline the limits of the water district which is the district we are looking at at this time. Just orient the audience... Delaware Turnpike is on the lower portion of the map, Orchard Street comes off of Delaware Turnpike goes to the right continues to Fisher Boulevard, the road to Five Rivers goes off in this direction. The water district is shown in a dashed blue. It starts... if I just started here. It starts at the Town line, runs along the Town line, continues to property of Cade then comes down along Cade, other lands of Cade, crosses Orchard Street, formerly Maxon, I believe this was Touhey, Ringler... they may be different owners now but then continues down to the Delaware Turnpike, goes about 500 feet along Delaware Turnpike. The district then goes along... generally along the rear lot lines of those lots fronting on Orchard Street to the Town line. The extended district or the water district extension totals approximately 133 acres.

As Gray Watkins mentioned, there is an existing water main on Orchard Street. That water main terminates at approximately this point, formerly at the westerly boundary of lands formerly of Maxon and the new water main would run along the southerly side of Orchard Street, past Game Farm Road and terminate at this lot line here... and it used to be, I believe, it was DeStefano. I think that's now changed hands. This new water main would be an inch and have several hydrants, I think probably around 5 but I don't recall exactly how many there will be. But, they are going to be put in principally to service the approved 11 lots of the Orchard Estates Subdivision. Don from DEC do you want to add anything about... I guess you really don't have to. Okay.

SUPERVISOR FULLER: We can open it up for questions from the audience. I'm sure those you that are here for these public hearings may want to have some answers to the questions you may have. So, we will take question first, and then we can move on to in favor or in opposition. Any questions? Yes.

MR. HORTON: Yes, I'm Fred Horton and I've lived for about 8 years at the corner of Game Farm and Orchard. And, so I am very interested in this project. As you can see, most of those lots that the current houses are on are really not very large lots they're probably anywhere between an acre and an acre and a half, some times 2 or 3. But, for the topic of the water discussion, I understand there are 2 phases and we could understand a little better about that and whether we, who are on kind of the western side of that are going to be able to tie into that, that would be very helpful.

MR. WATKINS: That's correct, there aren't really formally 2 phases but it's a simple as this. We're going to... with the State's help, first bring the water from here around to a point, I would approximate, somewhere in here. That will enable us... the one big lot I referred to, the 14 1/2 acre lot runs pretty much... you know where Mr. Cade's property is... you know where the cemetery is across the street from his house, let's say I'm not sure... let's say that's about here, that lot is... runs all the way back about like that. It's not exactly like that but it takes the entire central portion of the 42 acre piece, that's why it is so large. If you are familiar with the property, there's a swamp and then it rises up and then there's a plateau and then you go down and there's another swamp. Well, it's everything from one swamp to the other swamp, basically, running this direction which is the general water flow... the Phillipinkill, I think, is the name of the tributary that runs this way.

We have without counting that because that was one of our partners, basically. his share of the project, that's it. That has already been deeded to him and he's done. We have 5 lots here and then 5 lots down here. By bringing the water first, this far and sewer this far from 1/2 mile up Orchard Street down and around to about this point also, that will enable us to market these 5 lots. It's as simple as that. We need the money from the sale of those 5 lots to then spend the hundreds of thousands of dollars it is going to take to bring the water and sewer the rest of the way around here. Okay. The object timing wise of this would be... because of other permitting requirements which is your next... you know question I'm sure... is okay how long is it going to take... we would hope and expect to have all of those improvements done no later because the permitting requirements... can't guarantee you... I'm going to give you a long date and then tell you what I hope it will be... February... I'm trying to think of exactly what the date on the Army Corps permit was... I've got that in my folder but I believe it was the beginning of February 2002 within a year from that date all of the stuff that in any way affects the wetlands on the project have to be completed. All the improvements have to be completed because there are some wetlands down in this area, one or two of the driveways that cross into the lots are going to affect wetlands that means... and especially the water and sewer... especially right down here at the intersection, where you know, there's that dip. We have already received the permits we need from the Army Corps to do that. We are waiting for the State Water Quality Permit which should issue within a week or two. But, that Federal permit is only good for a certain period of time and it's kind of complicated but the Army Corps of Engineers specialist who explained it to me said it has to be done within a year of a date which is very early in 2002 which means by the beginning of 2003 all the work has to be done. So, I would use that as the long date. Okay. By which that will be completed and as Bruce said at our last meeting, anyone who lives basically along here you just hit the jackpot. You pay to put the lateral in, hook up, you are done. You got water... you got public water. That's all you pay. I have no idea what it would cost... \$500, \$1,000 whatever it is, you are done. Okay.

Other people may choose to join and I should just stop right there. But, if these people here say well what about us, at least you have received the benefit at our expense of having the water brought to here. So, if some of you live in these houses, or these houses further down, you know, going to Delaware Turnpike... Delaware Avenue, the water is that much closer to you, hence that much less expensive for you to get together to put in and hook up to it if you care to. Okay.

Now, the long date is some time in early 2003. Realistically, we expect and... I don't want to speak for Mr. Tuxill, with the State but we're far enough along... we already have a contract in place and a bond posted for the construction of the sewer. We want to do that as early this spring as possible. We can't do that until this... the extensions have received their approval. As soon as the sewer is done, then the State within a few months thereafter will begin its work and when its work is done, we'll be able then to market those first 5 lots to get the money to do the second phase. I don't want to mislead you, I'll give you a best case scenario keeping the 2003 date in mind as the can't be any later than that or else the project becomes mired once again in Federal stuff that we can't easily extract it from.

I would think with a little luck, correct me if I'm wrong, Don, that we'll have the water and sewer construction started by late summer, fall of this year. And, we would, therefore, be in a position to market lots by the completion of that work and finding people who are interested... and I've had hundreds of calls from people who are interested... whether they have the money to purchase the lot or not, I don't know, we will get into that when we are actually market it so they can go to the Town, propose, get a building permit and start building. I am thinking we will probably have sold enough of those lots for us to then contract for the rest of the water and sewer work by... it's 2001 now, hopefully by the spring of 2002 we will have enough lots under contract to close within a month or two of that to get us the money from those closings to then hire and have the work done. Okay.

So that's kind of a conjecturish... the last part but I guarantee you, it has to be by early in 2003 or else our permit runs out... our wetlands permit runs out. Okay.

Any other questions? It's good to see the young people here from Bethlehem High School civics class. I'll take your names and tell your teacher you were all here, if you'd like me to.

**SUPERVISOR FULLER:** Bruce, would you like to address the residents who may be wondering why they are not getting in the water extension.

**MR. SECOR:** Sure. One of the things that we covered at the last meeting. My name is Bruce Secor. I 'm the Commissioner of Public Works. The Water District and Sewer District are special districts. What that means is they are not town-wide and each time we do a district extension... who's got the engineer's report?... each time there is going to be an extension to the Water or Sewer District, it has to be, by Town Law, an engineer's map, plan and report. These can run anywhere from \$5,000 to \$10,000 depending on how complicated they are. Unfortunately, the lower end is the same whether you take in 1 house or 100 houses, you end up spending about \$5,000 for the paperwork. In addition to that, hearing costs, the various permits and applications that have to be done... so, in looking at this, the recommendation basically starts from the developer and my department for the Town Board as to what the size of the district should be. And, we go through the hearing process to directly decide whether or not that needs to be amended. What's being proposed now with the Water District as was pointed out before, takes in all that property and then the properties facing Orchard Street out to Delaware Avenue.

Town Law asks us to answer 2 questions, is everyone who is benefited included in the district and is everyone who is in the district benefited. And, what that is supposed to mean is if we run a water main past your house and we leave you out of the District, are you benefited... some people would argue yes because the water main is across the street. So, we would put those... at least one lot got benefited. It becomes then a decision of how much additional property you take in, especially with properties that have frontage to the road but maybe sit back on keyhole lots and that's part of what we would find out from the hearing tonight if we had not drawn these boundaries large enough.

Going down Orchard Street, since a hydrant will be here, these homes will basically be within 1,000 feet of a fire hydrant and you should be able to contact your homeowners carrier and get a reduction on your homeowners insurance. From the Town's standpoint in answering those 2 questions, are these homes benefited and argument would be yes

because they now have fire protection with hydrant that they didn't used to have. The second benefit is they're in the district and if they want to get service they don't have to pay \$5,000 for an engineer's report to hook up one additional house. So, it gets... the further you get away from this hydrant the greater it gets. But, from the first few people that were here that we've called over the years, I've gotten down the street a number of times and I was embarrassed to go any more because this had been on again off again... no disrespect but it just... it was a very difficult situation. The Corps of Engineers came in and made life a lot more complicated. Now, we are at the point where we can realistically get this done in the near future. If the folks along this next strip of Orchard Street are interested in water, technically, we need to extend the water main. Pipe costs between \$30 and \$50 a foot depending on soil conditions and the depth of area or whatever. We could extend this... instead of putting the last hydrant here, if these folks got involved, depending upon the hydrant spacing, we simply slide that down, pick up a couple more houses and it would just be the cost of pipe -- no additional valves, no additional fittings.

So, the benefit is you're in the district. The way we usually work with this after the developer has selected his contractor, it would be a cash upfront basis for the homeowners. The other way to go about this is to try to do a public improvement where we would do a large area, again you would have an engineer's map, plan and report, you would have a public hearing. But, you try to do it by public bonding. The problem in an area like this where there aren't a lot of existing homes, those public bonds have to be reviewed by the Comptroller's office and the New York State Comptroller would probably look at a piece of property like this and say where is your assessed valuation to support these bonds. And, the problem is when it is vacant land, it's like trying to count your eggs before they are hatched and it is very difficult to get that done without posting securities. And, then you end up with a 20 year tax rate so all the people here -- Mr. Tate, the other people who were involved with the water main coming this far -- they are all basically getting a free ride as far as the installation of the water main. The folks beyond that, it's pay as you go but as was pointed out, at least the water main instead of being way over here a mile away, is now on your doorstep. And then the next point would be getting out here where there is all vacant land on one side and a couple of homes down at the end. If you got to be a hardship and we had to come back, we could try to look for some funding. We've had very little success being eligible for funding for water line extensions. There's some other programs that we found over the years but that's been very difficult. But, that's something we would come back to the Town Board about and talk about how to get service down here further. But, at least the water main is close.

It's a long answer but I hope I answered your question.

SUPERVISOR FULLER: Thank you. Are there any questions about Mr. Secor's comments?

MR. TANGORA: Are you in the district then...

TOWN CLERK NEWKIRK: Excuse me, please come to the microphone and give your name. We need it for the public record. Anyone who speaks, please, I would appreciate that, it makes it easier to transcribe the public hearing. Thank you.

MR. TANGORA: Mike Tangora, 503 Orchard Street. Are you in the district then when it is technically in front of your house? Is that when you start paying tax on sewer and water?

MR. SECOR: Yes, again, right now it is being proposed. We are talking about the Water District which is this blue line. The engineer's map, plan and report for the Sewer District extension right now only includes the area of the subdivision. And, those 2 questions, as far as, is everybody in the district benefited and the other side of that... the approach the Town has taken for many years is that a gravity sewer is a real benefit. You hook up a pipe, gravity always works, you're in great shape. The pressure sewers are totally different. It's another pump to maintain. I don't care if you have a washer, a dryer or what you have, it's another piece of machinery. Grinder pumps are not bad, they're just not as good as a gravity sewer. So, the attitude the Town has taken over the

years is we haven't forced anyone to go out and spend \$10,000 to buy a grinder pump, do the whole installation, back fill their... pump out your old septic system and fill it with sand. It's a considerable expense to hook-up with the pressure system. So, one of the things we need to learn when we get into the second hearing tonight on the Sewer District is how many people are interested in getting involved in this. It's very easy for us to amend the meets and bounds description to take in whoever wants to be in who is interested in there. On some of the smaller lots there... you know, people who... there is a 75 or 100 foot wide lot who are now trying to maintain a well and a septic tank, that's hard. For some of the bigger pieces of land, they may not be at all interested. So, rather than us imposing a will on them, we would rather hear from you... yes, you want to be in; no, you don't want to be in and then we can adjust things as best we can to that point. But, there's a little difference... but basically if you are in the district... the people within this blue line the Water District tax is about 70 cents, 72 cents a thousand... so on a \$100,000 house, there will be about \$70 a year that will show up on your January tax bill. You would also then pay for whatever water you have purchased. We send water bills out every 4 months. Water bills run \$10-\$20-\$30, it depending on the amount of water use.

The Sewer District is about 40 cents a thousand. So for a \$100,000 assessed home, it would be about \$40 a year if you are in the Sewer District and it is connected. Then you pay for the wastewater treatment based on the amount of water you consume. So, we basically take the water meter reading and then charge you for wastewater treatment. That runs a little more than the water bill.

MR. TANGORA: Okay, because that was my next question... you pay by sewerage... sewage by water use then? That's pretty much how it is assessed.

MR. SECOR: Yes. It's basically... there is an ad valorem tax of 40 cents a thousand and then your actual... best... waste facilities, but then you pay on a yearly basis based on the amount of water you produce, wastewater.

MR. TANGORA: The only other concern that I have is when we are getting into construction on this road and things, I know for myself I have my well is... we hold our breath every time we turn our water on so my concern is, is once land starts moving around out here and my well runs dry, what do I do then. So, those are really my concerns but I may be speaking for myself or whoever else is standing here but I can tell you that...

MR. SECOR: Whereabouts is your home?

MR. TANGORA: 503 Orchard Street. So, it's kind of in the middle of that section...

MR. SECOR: Here?

MR. TANGORA: Yes. You know what I mean... so that's my concern. You are talking 2003, that's great but you know, when you start dragging some land around out there and my water gets depleted, I don't have a choice at this point so...

MR. SECOR: Yes, based on the phasing that is being proposed, the first phase would be really quite distant from your property and when they start moving dirt near your home, they will be putting the actual water line in. So, hopefully, that wouldn't lead to a complication.

MR. TANGORA: I don't want to drill another well, that's my point. Thank you.

SUPERVISOR FULLER: Any other questions? Okay, if we can move ahead. All those wishing to speak in favor? This is for the Water District only, not the Sewer District, just water. Anyone wishing to come forward to speak in favor? Anyone wishing to speak in opposition?

MR. TANGORA: In favor.

SUPERVISOR FULLER: I'm glad someone is, Mike.

MR. HORTON: Well, for someone who has people... that have drilled wells right behind us and it has upset our wells some, I'm really in favor of this and I think that if anyone has ever tried to get water in that area they will understand why.

SUPERVISOR FULLER: Anyone else wishing to speak on the Water District Extension...in favor or in opposition? May I have a motion to close the public hearing?

The motion was made by Mr. Lenhardt and seconded by Ms. Burns to close the public hearing at 8:08 p.m. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Lenhardt, Ms. Burns, Mr. Plummer.

Noes: None.

Absent: Mrs. Davis.

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Town Clerk

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The Supervisor convened the regular Town Board meeting following the close of the public hearing. She explained that there will not be a vote this evening and noted this item will come back to the Board again the end of March.

HEARING BEGAN: 8:10 P.M.

SUPERVISOR FULLER: The next item is for the Sewer District Extension. We already had the Clerk read the call of the hearing. May I have a motion to indent the notice of public hearing.

The motion was made by Mr. Plummer and seconded by Ms. Burns 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, Ms. Burns, Mr. Plummer.

Noes: None.

Absent: Mrs. Davis.

Anyone wishing to speak...

MR. JOHANNESSON: What I can do is... I think... I think we've said enough about both systems. I think what I can do is just outline the proposed Sewer District boundary which is different from the water. It's shown on the overhead in green and it's restricted to the approved Orchard Estates Subdivision, the 11 miles of that subdivision. And, again what that's going to be is a low pressure force main which will start from... basically Fisher Boulevard and Orchard Street and run along Orchard Street coming from this direction and it will loop ultimately when both phases are built. It will ultimately loop around and terminate at the same point or approximately the same point as the water main. And, again, that is about opposite the property line of this parcel here which used to be DeStefano I believe. And, again, it is the dashed green line that is the outline of the proposed Sewer District.

Okay, as Bruce pointed out, when this... excuse me... when this was designed it was designed such that not only does it have the capacity to service the lots within the subdivision it has also been sized sufficiently large to provide service for additional homes along its route. I know that originally it was sized like 2 ½ inches and then towards the end it was 1 ¼ inch. Since that original design with DEC interested and tying into the forced main... low pressure forced main, that size has increased. So, the low pressure system will be able to accommodate additional homes in addition to the approved subdivision lines. But, then again, however, those... as Bruce eluded to earlier, if there is interest in tying into the system, you have to be included in that Sewer District.

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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.

That's what you need to let the Town know about.

MR. SECOR: Just one other thing, for anyone who doesn't really know what we are talking about when we say a grinder pump. It looks like about the size of a washer machine, it is basically a fiberglass tub, has a submersible pump inside with a grinding head. So, the wastewater, whatever, goes down into there. It's ground up and pushed out through 1 ¼ inch diameter plastic line. That line in the street is a little bit larger and the line gets larger going down through. But, the design is really based on velocity... self-cleaning velocities.

These units take annual maintenance. There is usually a grease or soap build-up inside of them. There is some annual maintenance involved. The Town of Bethlehem will not owner/operate and maintain these, it will be up to the individual homeowner. Whether you would contract with the person you bought from or some service agency, it will be up to it, but... they cost \$3,000 to \$5,000 for the pump. They can either be inside your basement sitting on the floor. They can be put down into the basement floor or they can actually be put outside. They take... I think... it's 220 volts but it's not a lot of energy to run it. The pump comes on maybe couple times a day depending on your water usage. In a power outage you will have Town water if you are hooked up to the water system because our water system is basically a gravity system. You could surcharge this unit if you weren't careful during a power outage. But, just as a general description, you would have to... say for example, a home that was here, we would have to push a pipe under the road -- about 1 ½ inch diameter plastic pipe -- you would have to dig from the end of the road... edge of your property to your home. A lot of homes... many of the older homes have multiple septic tanks or dry wells around them. You would have to gather all that plumbing together into one spot, get it to the grinder pump. There is a \$400 connection fee to the Town. The Building Department... I think it's a \$35 plumbing permit that they require. The Building Department will actually want to go in your home and make a plumbing inspection and make sure you have connected things properly. We don't want roof leaders or yard drains or drainage water, sump pumps... we can't take that into the sewer system. So there is this inspection involved. You have to pump out the old system and get it filled with sand... there is an inspection that has to go on with that. It's a more involved thing than just getting into a gravity sewer. Just so you have a basic... some basic information on the gravity part.

SUPERVISOR FULLER: Are there any questions on the Sewer District Extension?  
Yes.

MR. CARLOMAGNO: Hi. My name is Sal Carlomagno and I live directly across the street from the development just bordering on the terminus of the water line right now. And, my major question is, if I were to be in the Sewer District... Bruce mentioned that you wouldn't force the homeowner to hook-up. If I'm in the District I would pay the tax, I would assume, but I wouldn't be forced to hook-up, is that correct?

MR. SECOR: Again, the interpretation of the Town has been under the 10 State standards of the New York State Health Law, if a gravity sewer comes within 90 feet of your property line you are supposed to hook-up within a year. Our impression or our approach to that is if it's a grinder pump or a pressure sewer we don't enforce that because it is our interpretation you really don't have access to a gravity sewer. So, we don't force people to hook-up. Now, if a person was cited... if Albany County Health Department came out and said you have a failing septic system and your sewage was running on your neighbors lot, Albany County Health Department would write you up and then... probably give a citation. With the sewer available, you would then have to make a decision is it less expensive to fix my existing septic system or should I go spend \$8,000 or \$10,000 and hook-up with a grinder pump. So, the basic... the answer would be if you were to be included in the Sewer District there is a sewer rate and an unsewered rate. The unsewered rate is 1/3 of the sewer rate. So, if you were sewer it's 40 cents a thousand -- \$40 a year for \$100,000 home. It would be 1/3 of that if you were unsewered. So, it basically costs you \$10-15 a year additional taxes if you were in the Sewer District unsewered.

MR. CARLOMANGO: Good. Now, also speaking for the Phinney's which are in the...

could you point that out please. They're on vacation they could not attend but they will be sending a certified letter. They have the same feelings as me on this situation.

And, my situation system is I have a septic system that works. I would like to be in the Sewer District in case my system fails I have the option and at this point, I am already in the district. Now, Mr. Secor mentioned, if you want to expand the district at a later point, it's going to cost a lot of money. You have a hearing right now, you are expanding the district, why not put the houses in that are interested now. So, I would like to go on record, I'm interested in being in the system now. And, the benefits, the Town... if I'm in the system now and other homeowners are in, the Town will collect that tax... not the usage tax but they will be collecting the tax. They won't have to conduct a separate action to expand the district later and the homeowner will have peace of mind where if their septic system fails, it will be very easy, logistically, to hook-up to their system.

Thank you.

MR. LAKS: Hi, my name is Eugene Laks. I am actually the piece of property you pointed to... up there, Phinney is across the road up there. Right. I would second what Sal said about that... about wanting to be in the sewer system if we weren't obligated to hook-up and we would just have to pay the tax. But, probably because of where our property is located, and this may also apply to Sal and to Phinney... my question is if the Cade property is ever developed in the future and a gravity system is available to us... because that is the next property over... by being in the sewer system now at this point and even if we are unsewered and not hooked up, would we be precluded from hooking up to the gravity system if it came in later? In other words, I don't want to foreclose that option in the future if it's ever available to me by hooking into the sewer system now... I mean by joining the sewer system without hooking up.

MR. SECOR: The answer is no. What he is speaking of is that the Cade property, which is easterly of his parcel, is in the beginning stages of subdivision approval. They are proposing to put in some gravity sewers and their own major pumping station. They've changed their layout a number of times so I don't have a layout I can rely on. But, if a gravity sewer was to be available to you, you're in the Sewer District, we would try to get you gravity sewer. What I can't promise you is, I can't force the developer to run a special sewer a ¼ mile to hook you up on gravity.

MR. LAKS: Oh, I understand.

MR. SECOR: Assuming his layout is such that it's not an undue burden upon the developer to get to you, we could offer that and being in the Sewer District now...

MR. LAKS: Would not preclude us doing that if that sewer... if the gravity sewer eventually became available.

MR. SECOR: That's correct.

MR. LAKS: In that case, I would also like to join with Sal so that our property is included in the Sewer District as an unsewered property and we pay that tax just to keep our options open for the future.

MR. HORTON: I guess if you are looking for people that are interested in being a part of the Sewer District, maybe as being unsewered at this time. I'd certainly like to be a part of that.

SUPERVISOR FULLER: And, your Mr. Morton?

MR. HORTON: Horton.

MR. SECOR: Sheila, could I just short circuit... the folks who live along this stretch of Orchard Street, how may... would you please raise your hand if you live in that area. Are all of you interested in being included in the Sewer District at this point?

AUDIENCE: Yes.

MR. SECOR: Okay because I mean we can just simply take the boundary description from the Water District and make the 2 of them the same. Now, the next question is from the people going out toward... Mrs. Cirillo, are you here?

AUDIENCE: No.

MR. SECOR: All right, again, it gets a lot more... it's more distant out here and I don't know... if... is Waters okay? Are you interested in the sewer?

AUDIENCE: If it's okay with her...

MR. SECOR: I'm sorry, I couldn't hear you.

AUDIENCE: Everything is fine where we are at..... have a lot of water... don't have problems with the septic.

MR. SECOR: Can you hear that, Kathy?

TOWN CLERK NEWKIRK: No.

MR. SECOR: I'm sorry, I apologize... Could you, please, come to the microphone.

SUPERVISOR FULLER: Bruce, the other thing is, you're asking these people if they are interested, we don't have their names. So, for the record...

MR. SECOR: I know... I'm sorry...

MR. CIRILLO: Frank Cirillo. I'm at 545 Orchard. Right now we have tons of water. We don't have any septic problems and we're pretty happy with the way it is. So...

MR. TANGORA: The Tangoras are interested.

SUPERVISOR FULLER: Yes, they have to come up and record their name.

MR. JOHANNESSEN: I guess what's required because of legal issues is, if you're interested in... and Bruce asked... those people along this stretch, if they are interested in having your property included in the district, you need to come up to the mike and say who you are and that's what you want to do. That's legally what they have to do.

MR. BECKER: Keith Becker. I'd like to be included in the sewer but not the water.

MR. DALTON: Jack Dalton. 507 Orchard Street. I'd like to be included in the sewer.

MR. MARTIN: Frank Martin, 481 Orchard Street. I'd like to be in the Sewer District.

MR. GOLDBERG: Jeffrey Kolber, 499 Orchard Street. I would also like to be involved in the Sewer District.

MR. MARKUS: Yea, I'm Frank Markus. 489 Orchard. I'd like to be in it.

SUPERVISOR FULLER: Sewer District?

MR. MARKUS: Sewer District, yea. Both of them actually.

SUPERVISOR FULLER: Some individuals came to the mike and said they were not interested in being in the Water District.

MR. JOHANNESSEN: I think it was just one.

SUPERVISOR FULLER: I think there was another one. I knew Keith. Okay.

Any other questions? Comments? Anyone wishing to speak in opposition the Sewer District Extension? And, I assume those that are interested are in favor. Anyone else?

MR. SECOR: Just for clarification then, I will write a quick note to the Engineer and have him amend the description for the sewer boundary and I'll get a revised description out to the Board.

SUPERVISOR FULLER: And, we'll have that back for the end of the month?

MR. SECOR: It'll be either March 1st or March 28, probably March 28<sup>th</sup> by the time we get that done.

SUPERVISOR FULLER: Okay, may I have a motion to close the public hearing?

The motion was made by Mr. Lenhardt and seconded by Mr. Plummer to close the public hearing at 8:24 p.m. The motion was passed by the following vote:

Ayes: Ayes: Mrs. Fuller, Mr. Lenhardt, Ms. Burns, Mr. Plummer.

Noes: None.

Absent: Mrs. Davis.

SUPERVISOR FULLER: Thank you for being here this evening.

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Town Clerk

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The Supervisor reconvened the regular meeting following the close of the public hearing.

The next item was to approve the appointment of the Republican Voting Machine Custodian for the year 2001 as recommended by the Chairman of the Republican Committee. Supervisor Fuller said the appointee is Kevin Kermani of Delmar, NY. She noted he needs to attend required training sessions on March 7 and 8, 2001, 8 a.m. to 3:30 p.m. at a cost of \$160.

The motion was made by Mr. Lenhardt and seconded by Ms. Burns to approve the appointment of Kevin Kermani, Delmar, NY to the position of Republican Voting Machine Custodian for the year 2001 and approve his attendance at the training session to be held March 7 and 8, 2001 at a cost of \$160. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Lenhardt, Ms. Burns, Mr. Plummer.

Noes: None.

Absent: Mrs. Davis.

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Supervisor Fuller said she assumed Mr. Clyne, Democratic Chairman, is trying to find an appointee. Councilman Plummer noted he is trying to find someone to fill this position. Town Clerk Newkirk said she spoke with Mr. Clyne and he was aware of the training session.

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The next item was a request from Jeffrey Dammeyer, Director of MIS, for award of bid for Surplus Equipment to Crown Computer, Bloomington, MN in the amount of \$275. Supervisor Fuller noted there were 2 bids received, one in the amount of \$100 and the other was \$275.

The motion was made by Mr. Plummer and seconded by Ms. Burns to approve the award of bid for Surplus Equipment to Crown Computer, Bloomington, MN in the

amount of \$275 as requested by Director of MIS, Jeffrey Dammeyer. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Lenhardt, Ms. Burns, Mr. Plummer.

Noes: None.

Absent: Mrs. Davis.

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The following item was a request from David Austin, Administrator, Parks and Recreation Department, for approval of appointment of provisional Recreation Area Grounds person at a salary of \$25,418. Supervisor Fuller noted the employee is Roger W. Beebe, Glenmont, NY. She said this position was approved in the budget.

The motion was made by Mr. Lenhardt and seconded by Ms. Burns to approve the appointment of Roger W. Beebe, Glenmont, New York to the position of provisional Recreation Area Grounds person at a salary of \$25,418 as requested by David Austin, Administrator, Parks and Recreation Department.

The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Lenhardt, Ms. Burns, Mr. Plummer.

Noes: None.

Absent: Mrs. Davis.

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The next item was a request from Administrator, Parks and Recreation Department, David Austin, for approval of appointment of Seasonal Personnel.

The motion was made by Ms. Burns and seconded by Mr. Plummer to approve the appointment of the following seasonal personnel as requested by David Austin, Administrator, Parks and Recreation Department:

Lifeguard at a rate of \$7.00 per hour

Teresa M. Rosetti  
23 Euclid Avenue  
Delmar, NY 12054

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Recreation Instructor III at a rate of \$9.50 per hour

John Wagoner  
81 Jefferson Road  
Glenmont, NY 12077.

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The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Lenhardt, Ms. Burns, Mr. Plummer.

Noes: None.

Absent: Mrs. Davis.

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The next item was a request from Bruce Secor, Commissioner of Public Works, for approval of acceptance of deeds and easements for Delmar Village PRD. The Supervisor said Mr. Secor explained the reason for the last minute item, indicating the new streets have been built, paved and ready to be used. She said the bonding covers the final top pavement and miscellaneous punch list work. She noted the paper work was to be complete last week for the item to be included with the original agenda items, but unfortunately there were problems in obtaining the verification of bonding documents

which were accepted in October of 1999. She said details have been resolved and this was added to avoid delays for the developer and homebuyers.

Councilman Lenhardt asked if this means the road will now connect from Orchard Street to Delaware Avenue. Mr. Secor said it will not. He said this is for the side streets and noted there are some other issues with the main route, however, the road is close to being opened. He said Fisher Boulevard has already been accepted and it is closed because of construction debris and problems in the development. He noted the developer has been working all winter to get this cleaned up and the road should be opened soon.

The motion was made by Mr. Lenhardt and seconded by Mr. Plummer to accept deeds and easements for Delmar Village, Planned Residence District, as submitted by Delmar Development Partners, LLC, New Milford, Connecticut and recommended by Commissioner of Public Works, Bruce Secor. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Lenhardt, Ms. Burns, Mr. Plummer.

Noes: None.

Absent: Mrs. Davis.

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The next item was a request from Gregg Sagendorph, Highway Superintendent, to declare roll-off boxes surplus and solicit quotations for the sale of said boxes. Supervisor Fuller said these are 9 yard boxes and were purchased in the late 1980s when the Town set up the transfer station on Rupert Road, South Bethlehem. She said they were used to store and haul comingled recyclables and have been replaced by newer, larger enclosed boxes.

The motion was made by Mr. Plummer and seconded by Ms. Burns to approve the declaration of roll-off boxes surplus and solicit quotations for sale of said boxes as requested by Highway Superintendent, Gregg Sagendorph. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Lenhardt, Ms. Burns, Mr. Plummer.

Noes: None.

Absent: Mrs. Davis.

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The following item was a request from Highway Superintendent, Gregg Sagendorph, for award of bid for Gasoline and Diesel Fuel to Long Oil Heat, Inc.; Heating Oil to Long Oil Heat, Inc.; Guide Rail to Chemung Supply Corp.; Gravel to Callanan Industries; Washed Crushed Stone to Carver Sand & Stone and Callanan Industries; Topsoil to Callanan Industries; Milling of Bituminous Asphalt to Palette Stone Corp. and Callanan Industries; In-Place Paving to Callanan Industries; and Rental of Track Excavator to R.H. Finke & Sons as indicated.

The motion was made by Mr. Lenhardt and seconded by Ms. Burns to approve the award of bid for Gasoline and Diesel Fuel to Long Oil Heat, Inc.; Heating Oil to Long Oil Heat, Inc.; Guide Rail to Chemung Supply Corp.; Gravel to Callanan Industries; Washed Crushed Stone to Carver Sand & Stone and Callanan Industries; Topsoil to Callanan Industries; Milling of Bituminous Asphalt to Palette Stone Corp. and Callanan Industries; In-Place Paving to Callanan Industries; and Rental of Track Excavator to R.H. Finke & Sons as requested by Highway Superintendent, Gregg Sagendorph, and specified in his Memorandum dated February 22, 2001 at the bid prices indicated and on file in the Town Clerk's office. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Lenhardt, Ms. Burns, Mr. Plummer.

Noes: None.

Absent: Mrs. Davis.

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The Supervisor asked if anyone in the audience wished to address the Board. Mrs.

Katherine Daniels, resident, made comments regarding drainage work being accomplished along the Dowers Kill. She mentioned that Mr. Secor indicated a petition had been presented to him requesting some action be taken to stop flooding in the area. Mrs. Daniels took issue with the approach that was being used to accomplish storm water management in the area.

Mrs. Daniels presented recommendations to the Town Board regarding this work and a more modern approach. She requested that she be advised of any action that is taken in regard to this matter.

Mrs. Marie Capone, resident of Delmar, noted that Planning Board meetings have information and suggested that Mrs. Daniels attend the 2 meetings a month and that way she would have information from the beginning of a project.

Supervisor Fuller asked Mr. Secor to address the concerns expressed by Mrs. Daniels. Mr. Secor said this particular area has some delicate problems which were explained to Mrs. Daniels. He said many things that she said he agreed with, noting unfortunately they are not applicable in all instances. He said the soils which are clays need to be handled differently. He said some of the problems with the creek changes have threatened some homes and threatening the interceptor sewer. He further noted at this time the area does look quite open, however, it is the beginning of a project. He said there will be some erosion control fabric placed in the area along with grass slopes on the sides which will help remove some of the sediment. He said by the end of the summer the area will take on a more natural look. He said impacts of this work downstream have been looked at and all of the structure downstream can handle the flow. He thanked Mrs. Daniels for her comments.

Supervisor Fuller asked Mrs. Daniels if she lived in the area. She said she lives about a block away and she is an environmental planner and she knows there are other solutions for this type of problem. She said it is transferring the problem downstream. She offered to get materials for the Town if they so desired. Mr. Secor said this is a relatively minor drainage area and he is sensitive to the area.

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Supervisor Fuller asked if anyone else wished to address the Board. Mrs. Capone mentioned an article in the Spotlight from David Austin that was well done, noting she did not read it, her daughter had. The Supervisor noted she did not read the Spotlight either. Councilman Lenhardt noted it was an article about Mr. Dushek. Mr. Austin said he thought it appropriate to write something about Mr. Dushek who made many visits to our parks over the years. The Supervisor agreed. Mr. Austin said he passed away recently and mentioned how he used to grow trees on his property and then planting them in the park. Mr. Austin said he was a very good person and a benefit to the Town.

Supervisor Fuller agreed and noted that he was a frequent visitor to Town Hall as well. She said he was especially helpful during the landslide when he was coming in and meeting with some of the engineers.

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The motion was made by Ms. Burns and seconded by Mr. Lenhardt to adjourn the regular Town Board meeting at 8:42 p.m. The motion was carried by the following vote:

Ayes: Mrs. Fuller, Mr. Lenhardt, Ms. Burns, Mr. Plummer.

Noes: None.

Absent: Mrs. Davis.

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Town Clerk