

TOWN BOARD
JANUARY 8, 1997

A regular and organizational 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
Freeman T. Putney, Councilman
George Lenhardt, Councilman
Doris M. Davis, Councilman
Robert C. Johnson, Councilman
Bernard Kaplowitz, Esq., Town Attorney
Kathleen A. Newkirk, Town Clerk

- - -

SUPERVISOR FULLER: We are going to start a new year off by starting each meeting with the pledge of allegiance. Since Mr. Johnson is the one that asked about it, I would ask him to lead us in the pledge of allegiance.

Mr. Johnson lead all those in attendance in the pledge of allegiance.

SUPERVISOR FULLER: Good evening. Tonight we begin our meeting, we have 2 public hearings and then we are running through our organizational meeting. We will have some appointments and then we have our regular meeting. So, you will have to bear with us while we go through the agenda. Welcome to all of you. At the end of the meeting, if you have any questions or comments, you are welcome to come forward and address the Board. I would ask the Clerk to read the call of the hearing.

TOWN CLERK NEWKIRK:

NOTICE OF PUBLIC HEARING
TOWN OF BETHLEHEM

NOTICE IS HEREBY GIVEN that a public hearing will be held by the Town Board of the Town of Bethlehem, Albany County, New York on the 8th day of January, 1997 at 7:30 p.m. to consider Local Law No. 1 of 1997, Amending the Code of the Town of Bethlehem as follows:

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

ADD:

Stop sign on Erie Drive, west, at intersection with Googas Road.

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

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

Public Hearing
on adding
stop sign on
Erie Drive
West

BY ORDER OF THE TOWN BOARD
TOWN OF BETHLEHEM
Kathleen A. Newkirk
TOWN CLERK

- - -

State of New York)
County of Albany)

MARY AHLSTROM of the Town of Bethlehem, being duly sworn, says that she is the Assistant Publisher of 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 25 day of December 1996.

/s/ Mary A. Ahlstrom

Sworn to before me this 27th day of December 1996.

/s/ Kathryn Olsen
Notary Public, Albany County

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

KATHLEEN A. NEWKIRK, being duly sworn, deposes and says that she is the Town Clerk of the Town of Bethlehem, Albany County, New York and that I posted on December 26, 1996, 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
 2nd day of January 1997.
 /s/ Catherine T. Picarazzi
 Notary Public

The motion was made by Mr. Lenhardt and seconded by Mr. Johnson 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. Putney, Mr. Lenhardt, Mrs. Davis,
 Mr. Johnson.
 Noes: None.

SUPERVISOR FULLER: The first item this evening is the Traffic Safety Committee has received petitions from many families on Erie Drive and Googas Road requesting that traffic be studied in their area concerned about cut through traffic and speed. The counts from the Police Department in the area show an average of only 111 vehicles daily on Erie Drive. The average speed limit is 23 miles per hour. The volume is not excessive and the speed is slow, however, they are not making any recommendations about those concerns that were voiced by the petitions and people that attended the Traffic Safety Committee meeting. However, they did note in their research that a problem of intersectional control at Googas Road and Erie Drive. There is no control at a 3 way corner. Therefore, they are recommending to the Town Board a stop sign on Erie Drive at Googas Road for traffic traveling west.

Is there anyone here from Erie Drive and Googas Road. Is there anyone wishing to speak in favor? Is there anyone wishing to speak in opposition? May I have a motion to close the public hearing?

The motion was made by Mr. Lenhardt and seconded by Mrs. Davis to close the public hearing at 7:40 p.m. The motion was passed by the following vote:

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

Kathleen A. Newkirk
 Town Clerk

The Supervisor asked the Board for a motion approving Local Law No. 1 of 1997 for installation of a stop sign on Erie Drive at Googas Road.

The motion was made by Mrs. Davis and seconded by Mr. Putney to approve the adoption of Local Law No. 1 of 1997 amending Vehicle and Traffic Article VI, Section 119-33, Schedule VII, Stop Intersections, to add a stop sign on Erie Drive, west, at intersection with Googas Road. The motion was passed by the following vote:

Motion for approval of Stop sign on Erie Drive West

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

Hearing began: 7:40 p.m.

Public Hearing
ing Stop Sign
on Gladwish Rd

SUPERVISOR FULLER: The next public hearing to consider Local Law No. 2 of 1997 pertaining to a stop sign on Gladwish Road with intersection of Montrose Drive. Ask the Clerk to read the call of the hearing.

TOWN CLERK NEWKIRK:

NOTICE OF PUBLIC HEARING
TOWN OF BETHLEHEM

NOTICE IS HEREBY GIVEN that a public hearing will be held by the Town Board of the Town of Bethlehem, Albany County, New York on the 8th day of January, 1997 at 7:40 p.m. to consider Local Law No. 2 of 1997, Amending the Code of the Town of Bethlehem as follows:

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

ADD:
Stop sign on Gladwish Road, North, at intersection with Montrose Drive.

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

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

BY ORDER OF THE TOWN BOARD
TOWN OF BETHLEHEM
Kathleen A. Newkirk
TOWN CLERK

- - -

State of New York)
County of Albany)

MARY AHLSTROM of the Town of Bethlehem, being duly sworn, says that she is the Assistant Publisher of 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 25 day of December 1996.

/s/ Mary A. Ahlstrom

Sworn to before me this 27th day of December 1996.

/s/ Kathryn Olsen
Notary Public, Albany County

- - -

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

KATHLEEN A. NEWKIRK, being duly sworn, deposes and says that she is the Town Clerk of the Town of Bethlehem, Albany County, New York and that I posted on December 26, 1996, 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

2nd day of January 1997.
/s/ Catherine T. Picarazzi
Notary Public

- - -

The motion was made by Mr. Putney and seconded by Mr. Johnson 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. Putney, Mr. Lenhardt, Mrs. Davis,
Mr. Johnson.
Noes: None.

- - -

SUPERVISOR FULLER: Traffic Safety Committee has received a petition from residents of the Montrose/Oakwood/Gladwish area, the Kenholm neighborhood regarding traffic safety. Traffic Safety Committee has conducted several traffic studies in the area. The counts from traffic in the area show no great volume and only show a speed problem on Oakwood. They noted that there is no intersectional control at Gladwish Road and Montrose Drive. Therefore, the Traffic Safety Committee is recommending a stop sign on Gladwish Road at the intersection of Montrose Drive for traffic traveling north.

Is there anyone in the audience who wishes to speak in favor? Is there anyone wishing to speak in opposition? A motion to close the public hearing.

The motion was made by Mr. Lenhardt and seconded by Mr. Johnson to close the public hearing at 7:44 p.m. The motion was passed by the following vote:

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

Kathleen A. Newkirk
Town Clerk

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

Motion to adopt Stop sign at Gladwish Road

The Supervisor asked for a motion to adopt Local Law No. 2 of 1997. The motion was made by Mrs. Davis and seconded by Mr. Lenhardt to adopt Local Law No. 2 of 1997, Amending the Code of the Town of Bethlehem, Vehicle and Traffic, to permit the installation of a stop sign at the intersection of Gladwish Road and Montrose Drive. The motion was passed by the following vote:

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

Supervisor Fuller said the next item was to adopt a resolution setting the salaries for the year 1997.

Resolution to adopt setting salaries for 1997

WHEREAS, the Town Board of the Town of Bethlehem held a meeting on January 8, 1997; and

WHEREAS, the Town Board is desirous of setting the salaries of the employees, including elected officials and Civil Service positions, of the Town of Bethlehem for the year 1997;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board does hereby adopt the salaries and titles of the employees as shown on the attached sheets.

The foregoing resolution was presented for adoption by Mr. Putney, was seconded by Mrs. Davis and was duly adopted by the following vote:

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

(See list following minutes)

The next item was to approve the salaries for the Highway Department for the year 1997.

The motion was made by Mr. Lenhardt and seconded by Mr. Johnson to approve the following schedule of salaries for the Highway Department for 1997:

<u>TITLE</u>	<u>GRADE LEVEL</u>
Highway Foreman	16
Equipment-Mechanic	14
Equipment Operator II	14
- Maintenance Mechanic	
Equipment Operator II	12
Equipment Operator I	11
Laborer II	9
Laborer I	7
Summer Laborer	\$6.50/hour

The motion was passed by the following vote:

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

The next item was to authorize Public Works Department salaries according to approved grade/step schedule for 1997.

The motion was made by Mr. Putney and seconded by Mr. Johnson to approve the following job titles and grades as listed:

<u>Job Title</u>	<u>Grade Level</u>
Director of Field Operations	23
Eng. Services Administrator	23
Chief Water Treatment Plant Operator	23
Deputy Chief Water Treatment Plant Operator	19
Chief Sewage Treatment Plant Operator	20
Foreman II	17
Foreman I	16
Instrumentation Mechanic	17 (New - 14)
Senior Water Treatment Plant Operator	16
Public Works continued:	
Administrative Asst. I	12
Senior Sewage Treatment Plant Operator	16
Water Treatment Plant Operator	13
Sewage Treatment Plant Operator	13
Water Treatment Plant Operator Trainee	9
Sewage Treatment Plant Operator Trainee	9
Senior Utility Technician	12
Utility Technician	10
Utility Service Helper	7
Equipment Operator II	12
Equipment Operator I	11
Utility Billing Clerk	8
Senior Utility Billing Clerk	11
Clerk-Typist II	8
Clerk-Typist I	6
Temporary Employee Reader Clerk-Typist	- Hourly Rate Range from Minimum Wage Meter to \$15/hour Temporary commensurate with duties performed.
Senior Engineer	21
Principal Engineering Technician	17
Sr. Engineering Technician	14
Engineering Technician	11

<u>Job Title</u>	<u>Grade Level</u>
Engineering Aide I	7
Draftsman	9 (7 New)

(Longevity pay to be added to above salary rates in accordance with Town Board policy.)

The motion was passed by the following vote:

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

The next item was to approve the following part time personnel.

The motion was made by Mrs. Davis and seconded by Mr. Putney to approve in accordance with the policy on appointments of part time personnel, as adopted by the board in October 1993, the following list of part time employees:

<u>FULL TIME</u>				
<u>TITLE</u>	<u>NAME</u>	<u>F-T GRADE</u>	<u>100/70%</u>	<u>97 RATE</u>
Clerk Typist I	Arduini, Kathleen	6	70	11.81
Clerk Typist I	Roberts, Tracy	6	70	11.81
Enforcement Off.	Sleurs, Joseph	3 yr.off.	100	18.22
Clerk Typist I	Hulme, Ann	6	70	7.54
Clerk Typist I	Wright, Charlotte	6	70	7.54
Clerk Typist I	Schmitz, Mary	6	70	7.54
Clerk Typist I	Vadney, Lois	6	70	7.54
Clerk Typist I	Cooke, Noreen	6	70	7.54
Clerk Typist I	Farrow, Mabel	6	70	7.54
Maint. Helper	Cox, John	5	70	6.98
Maint. Helper	Bushie, Harold	5	70	6.98
Maint. Helper	Griffiths, Roger	5	70	6.98
Recycl. Coord.	Fisher, Sharon	11	100	13.69
Youth Employ.	Felson, Sharon	14	70	12.30
Outreach Wkr.	Sinuc, Linda	14	100	15.99
Asst. Bldg. Insp.	Dominelli, Edward	15	70	16.48
Public Info. Sp.	Lewis, Richard	15	70	13.00
Acct. Clerk I	Tremblay, Mary	8	100	11.85
Util. Bldg. Clk.	Buno, John	8	100	11.85

The motion was passed by the following vote:

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

The next item was to authorize the appointment of the Town Historian.

Appointment
Town Historian

The motion was made by Mr. Putney and seconded by Mrs. Davis to approve the appointment of Joseph A. Allgaier, Delmar, NY to the position of Town Historian for the year 1997 at an annual salary of \$2,600. The motion was passed by the following vote:

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

The following item was to appoint the following positions for the Board of Appeals for 1997.

The motion was made by Mr. Lenhardt and seconded by Mr. Johnson to approve the following appointments for the Board of Appeals:

Approve
appointment
for Board
of Appeals

Member	Robert J. Wiggand	\$3,585
	(Term expiring 12/31/01)	
Chairman	Michael Hodom	\$4,594
Board of Appeals		

The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Putney, Mr. Lenhardt, Mrs. Davis,
Mr. Johnson.

Noes: None.

The next item was to appoint the following positions for the Planning Board for 1997.

The motion was made by Mrs. Davis and seconded by Mr. Putney to approve the following position and Chairman for the Planning Board for 1997:

Approve
appointment
Chairman
Planning
Board

Chairman/Member	Douglas Hasbrouck	\$9,496
Planning Board		
(Term expires 12/31/2003)		

The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Putney, Mr. Lenhardt, Mrs. Davis,
Mr. Johnson.

Noes: None.

The next item was to accept the resignation of Member to Planning Board, Richard Olson and appoint new Member, Planning Board, to fulfill the remainder of the term, expiring December 31, 1997.

Accept res.
& appt.
Plng. Bd.
Member

The motion was made by Mr. Putney and seconded by Mr. Lenhardt to accept the resignation of Richard Olson as Member of the Planning Board and approve the appointment of Mr. Davis Blabey, Delmar, New York, to the position of Member of the Planning Board to fulfill the remainder of the term, December 31, 1997, of Richard Olson. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Putney, Mr. Lenhardt, Mrs. Davis,
Mr. Johnson.

Noes: None.

- - -

Supervisor Fuller introduced Mr. Blabey and thanked him for his attendance. Mrs. Fuller noted Mr. Blabey's practice has concentrated in areas of public utility regulation, energy development, telecommunications and environmental law. She said he has substantial knowledge as to the working of the executive and legislative branches of state and local government, as well as, the provisions of the energy law, public service law, Environmental Conservation law and the transportation corporation law.

Supervisor Fuller welcomed Mr. Blabey.

The next item was to appoint Comptroller, Judith Kehoe, term expiring December 31, 1998.

Appointment
Comptroller,
Judith Kehoe

The motion was made by Mr. Putney and seconded by Mr. Johnson to approve the appointment of Comptroller, Judith Kehoe, Delmar, New

York to a term expiring on December 31, 1998. The motion was passed by the following vote:

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

- - -

Supervisor Fuller congratulated Mrs. Kehoe.

The next item was to approve the appointment of Counsels to serve at the pleasure of the Town Board.

Appointment
of Counsel
to serve
Town Board

The motion was made by Mr. Johnson and seconded by Mr. Putney to approve the appointment of the following Counsel to serve at the pleasure of the Board:

Board of Assessors	Daniel Santola	Claim Basis
Water District	Lance Crossett	\$4,812
Sewer District	Charles J. Tobin, III	Claim Basis
Highway Department	Michael Smith	Claim Basis
Police Department	Joshua Effron	\$11,882
Planning Board	Ruth Leistensnider	Claim Basis
Board of Appeals	Dixon Welt	\$14,853

The motion was passed by the following vote:

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

- - -

Supervisor Fuller explained that Lance Crossett will be replacing Mr. Dixon Welt as Counsel to the Water Dept. and Dixon Welt will be replacing Donald DeAngelis as Counsel to the Board of Appeals. Supervisor Fuller said Mr. DeAngelis was with the Board of Appeals for 17 years and noted he served the Town well, thanked him for his service and wished him well. She said his new position is with the NY State Workers Compensation and therefore, he is no longer able to serve the Town of Bethlehem. Supervisor Fuller said Mr. Welt has been Counsel to the Water Department and said he is now moving to the Board of Appeals. A new appointment is also made of Ruth Leistensnider to replace Jeffrey Pohl as Counsel to the Planning Board.

Supervisor Fuller welcomed everyone to their new positions.

The next item was to approve the appointment of School Crossing Guards.

Approval
of School
Crossing
Guard

The motion was made by Mrs. Davis and seconded by Mr. Lenhardt to approve the appointment of the following School Crossing Guards and approve the rates of pay as indicated:

Gino Arduini	\$9.29/hour
Isabel D. Glastetter	9.29/hour
William Gathen	9.29/hour
Lawrence Becker	9.29/hour

The motion was passed by the following vote:

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

Appointment
of Voting
Machine
Custodian
1997

The next item was to approve the appointment of Voting Machine Custodians for the year 1997.

The motion was made by Mr. Putney and seconded by Mr. Johnson to approve the appointment of Voting Machine Custodians for 1997 as follows:

Glenn Hammond, Republican
William McGarry, Democrat

The motion was passed by the following vote:

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

The next item was a recommendation from Commissioner of Public Works, Bruce Secor, regarding the appointment of Consultant Chemist for Water District No. 1.

The motion was made by Mr. Johnson and seconded by Mr. Putney to approve the appointment of Consultant Chemist, Kenneth E. Drautz, at a fee of \$8,037 for Water District No. 1 of the Department of Public Works. The motion was passed by the following vote:

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

Public Works
regarding
appointment
of Consultant
Chemist
for District
No. 1

The next item was to approve the appointment of Supervisors for the Fire Training Ground.

The motion was made by Mrs. Davis and seconded by Mr. Lenhardt to approve the appointment of Supervisors for the Fire Training Ground for 1997 as follows:

Charles Wickham
Richard Webster
David Veltman

Appointment
of Superviso
of the Fire
Training
Ground

The motion was passed by the following vote:

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

The next item was to adopt a resolution authorizing membership dues for Town of Bethlehem employees as listed.

WHEREAS, the Town Board has held an organizational meeting for the year 1997, according to law,
NOW, THEREFORE, BE IT RESOLVED, that the attached list of membership dues for various Town departments are hereby authorized to be paid.

The foregoing resolution was presented for adoption by Mr. Putney, was seconded by Mr. Johnson and was duly adopted by the following vote:

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

(See list following minutes)

The next item was to authorize the Town Superintendent of Highways, Gregg Sagendorph, to make highway purchases in an amount not to exceed \$10,000 without prior approval of the Town Board.

The motion was made by Mr. Lenhardt and seconded by Mrs. Davis to authorize the Highway Superintendent, Gregg Sagendorph, to make highway purchases in an amount not to exceed \$10,000 without prior

Superintendent
of Highways
purchases in
amount not to
exceed \$10,000
without prior
approval of the
Town Board

approval of the Town Board. The motion was passed by the following vote:

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

Authorize
appointments
of local
Enforcement
Officer
Bethlehem
Emergency
Management
Director
Fire
Marshall
Fire
Inspector

The next item was to authorize the appointments of the Local Enforcement Officer, Bethlehem Emergency Management Director, Fire Marshall and Fire Inspectors.

The motion was made by Mr. Putney and seconded by Mr. Lenhardt, that in accordance with provision of Section 303 Multiple Residence Law, to authorize the following appointments:

Local Enforcement Officer	John H. Flanigan
Bethlehem Emergency Management Office Director	John E. Brennan
Fire Marshall	John H. Flanigan
Fire Inspectors	David Veltman James Kerr Richard Webster Harlen Metz Paul Miller

The motion was passed by the following vote:

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

Appointment
of Board of
Review

The next item was to approve the appointment of the Board of Review.

The motion was made by Mrs. Davis and seconded by Mr. Johnson to approve the appointment of the following to the Board of Review:

Richard Lewis
Robert J. Wiggand
James Morgan
Marjory O'Brien
Michael Hodom

The motion was passed by the following vote:

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

Appointment
of Board of
Assessment
Review

The next item was to approve the appointment of the Board of Assessment Review.

The motion was made by Mr. Lenhardt and seconded by Mrs. Davis to approve the appointment of the following to the Board of Assessment Review:

Richard Haverly -	\$120 per diem
Raymond Russom -	\$120 per diem
Herbert G. Steele -	\$120 per diem

The motion was passed by the following vote:

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

The next item was to set the mileage rate for personnel for 1997.

The motion was made by Mrs. Davis and seconded by Mr. Lenhardt to approve the mileage rate of \$.30 per mile for personnel who use their automobiles in the performance of the duties of their offices to be paid on presentation of duly itemized claims for audit by the Comptroller in accordance with Town Law, Section 102, Subdivision 1. The motion was passed by the following vote:

Mileage Rate
for Personnel
1997

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

The next item was to approve the Petty Cash Funds for Town offices.

The motion was made by Mr. Lenhardt and seconded by Mr. Johnson to approve the following Petty Cash Funds:

Approve
Petty Cash
Funds for
Town Offices

PETTY CASH FUNDS - Establish in accordance with Town Law,
Section 64, Subdivision 1 (a)

Receiver of Taxes and Assessments	\$300.00
Town Clerk	200.00
Comptroller	100.00
Water District No. 1	100.00
Town Justice Department	200.00
Police Department	200.00
Recreation Department Office	150.00
Parks Pool	200.00
Highway Department	100.00
Sanitary Landfill	200.00
DARE Program	200.00

The motion was passed by the following vote:

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

The next item was to set the holidays for Town of Bethlehem employees.

The motion was made by Mrs. Davis and seconded by Mr. Johnson to approve the designation of the following Holidays for Town of Bethlehem employees for 1997:

Set
Holidays for
Town of
Bethlehem

January 1	New Years
January 20	King's Birthday
February 17	President's Day
May 26	Memorial Day
July 4	Independence Day
September 1	Labor Day
October 13	Columbus Day
November 4	Election Day
November 11	Veterans' Day
November 27,28	Thanksgiving Day
December 25	Christmas Day

The motion was passed by the following vote:

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

The next item was to designate banks as depositories for Town Officers.

Designate
Banks as
depositories

The motion was made by Mr. Johnson and seconded by Mr. Lenhardt to approve the designation of the following banks as depositories in which all Town officers shall deposit all money coming into their hands by virtue of their offices:

Key Bank, N.A. Albany, New York	OnBank and Trust Co. Albany, New York
Fleet Bank of Upstate NY Albany, New York	Chase Manhattan Bank Albany, New York

The motion was passed by the following vote:

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

Notice
from
Association
of Town
regarding
1997 annual
meeting in New
York City

Supervisor Fuller next acknowledged receipt of the Notice from Association of Towns regarding the 1997 Annual Meeting in New York City to be held February 16, 17, 18 and 19, 1997.

The motion was made by Mr. Johnson and seconded by Mrs. Davis to Designate the Delegate and Alternate to the Annual Meeting of the Association of Towns as follows:

Delegate - John H. Flanigan
Alternate - George Lenhardt

The motion was passed by the following vote:

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

Set regular
Town Board
meeting

The next item was to set the regular Town Board meeting days.

The motion was made by Mr. Johnson and seconded by Mr. Lenhardt to approve the setting of Regular Town Board Meetings on the 2nd and 4th Wednesdays of each month. The motion was passed by the following vote:

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

Official hours
of business
at Town Hall

The next item was to set the Official Hours for business at Town Hall for 1997.

The motion was made by Mr. Lenhardt and seconded by Mrs. Davis to approve the official hours for business at Town Hall for the Town of Bethlehem for 1997 at 8:30 a.m. through 4:30 p.m. The motion was passed by the following vote:

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

Designate
official
Newspaper
of Town
of Bethle-
hem

The next item was to designate the official newspaper of the Town Bethlehem.

The motion was made by Mr. Johnson and seconded by Mrs. Davis to designate the Official Newspaper of the Town - THE SPOTLIGHT and also designate the Times Union as an additional newspaper for the publication of notices, resolutions and ordinances for the year 1997 for the Town of Bethlehem.

The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Putney, Mr. Lenhardt, Mrs. Davis,
Mr. Johnson.

Noes: None.

The next item was to authorize the Supervisor to execute leases for the year 1997.

The motion was made by Mr. Lenhardt and seconded by Mrs. Davis to authorize the Supervisor to execute the following Leases for 1997:

Water District No. 1 - Town Hall	\$9,300.00
Sewer District - Town Hall	\$9,300.00
Sewer District - Town Garage, Adams St.	\$18,500.00

Authorize
supervisor
to execute
leases for
the year
1997

The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Putney, Mr. Lenhardt, Mrs. Davis,
Mr. Johnson.

Noes: None.

The next item was to authorize the Supervisor to execute a contract agreement with Project Hope for the year 1997.

The motion was made by Mrs. Davis and seconded by Mr. Johnson to authorize the Supervisor to execute a contract Agreement with Project Hope for the year 1997 in the amount of \$13,645. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Putney, Mr. Lenhardt, Mrs. Davis,
Mr. Johnson.

Noes: None.

Supervisor
to execute
a contract
with Project
Hope 1997

The next item was to authorize the Supervisor to execute an agreement with Callanan Industries for the firearms training site.

The motion was made by Mr. Lenhardt and seconded by Mrs. Davis to authorize the Supervisor to execute an Agreement with Callanan Industries for the Firearms Training Site, Quarry, for 1997, at a cost of \$1.00. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Putney, Mr. Lenhardt, Mrs. Davis,
Mr. Johnson.

Noes: None.

Supervisor
to execute
agreement
with Callan
industries
for firearm
training si

The next item was a request from Commissioner of Public Works, Bruce Secor, for an increase in the fee schedule established by the Town Board.

The motion was made by Mr. Putney and seconded by Mr. Johnson to approve the Increase of fee schedule as established by Town Board for field inspections and Engineering Review as of January 1, 1997, as follows:

Senior Engineer:	\$66.00 per hour straight time and \$99.00 per hour for overtime, weekends and holidays.
Senior Inspector:	\$50.00 per hour straight time and \$75.00 per hour for overtime, weekends and holidays.
Inspector:	\$38.00 per hour straight time and \$57.00 per hour for overtime, weekends and holidays.
Survey Field Crew:	\$78.00 per hour straight time and \$117.00 per hour for overtime, weekends and holidays.

Public Work.
increase in
fee schedule
established
by the Town
Board

Subdivision Review fees revised as follows:

1 & 2 lots - Final Plat \$80. per lot.

3 or more lots - Final Plat \$80. per lot.

The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Putney, Mr. Lenhardt, Mrs. Davis,
Mr. Johnson.

Noes: None.

- - -

Supervisor Fuller explained the increase in fees was reviewed during the budget process and the Board made a decision to increase the fees as of January 1, 1997 to provide a little more revenue for the Town.

The next item was to authorize the Supervisor to execute an agreement with Albany Honor Court Program, Inc.

The motion was made by Mrs. Davis and seconded by Mr. Lenhardt to authorize the Supervisor to execute an agreement with Albany Honor Court Program, Inc. for the year 1997 at a cost of \$3,000.00. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Putney, Mr. Lenhardt, Mrs. Davis,
Mr. Johnson.

Noes: None.

Supervisor
to execute
Empire State
Youth
Orchestra
agreement

The next item was to authorize the Supervisor to execute an agreement with Empire State Youth Orchestra for 1997.

The motion was made by Mr. Johnson and seconded by Mr. Putney to authorize the Supervisor to execute an agreement with Empire State Youth Orchestra for 1997 in the amount of \$1,000. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Putney, Mr. Lenhardt, Mrs. Davis,
Mr. Johnson.

Noes: None.

- - -

Supervisor Fuller said for the \$1,000 donation the Town will have the benefit of the Orchestra entertaining our community. She said there is one program scheduled and a couple others are anticipated in the future.

Supervisor
to execute
agreement
with Volunteer
Center of
Albany

The next item was to authorize the Supervisor to execute an agreement with the Volunteer Center of Albany, Inc.

The motion was made by Mr. Johnson and seconded by Mr. Lenhardt to authorize the Supervisor to execute an agreement with Volunteer Center of Albany, Inc. for a Community Services Sentencing Program for the year 1997 at a cost of \$3,000.00. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Putney, Mr. Lenhardt, Mrs. Davis,
Mr. Johnson.

Noes: None.

Resolution for
facsimile
signature of
checks drawn
on accounts at
Key Bank

The next item was to adopt a Resolution for facsimile signature of checks drawn on accounts at Key Bank, N.A.

RESOLUTION NECESSARY FOR FACSIMILE SIGNATURES

RESOLVED: That checks of this corporation, drawn on Key Bank, N.A., may be signed by the printed facsimile signature of the Supervisor, Sheila Fuller, of this corporation, with like force and effect as if said facsimile signature had been affixed by such officer or either of them, manually, and that said Bank is hereby authorized, empowered and directed to pay said checks so drawn and to charge the same to the account of this corporation, with like force and effect as if said signature had been affixed by such officer or either of them, manually, and be it

FURTHER RESOLVED: That all of the terms and conditions embodied in the agreement between said Bank and this corporation, as the same appears upon the original signature card of this corporation now in the file of said Bank, shall apply to all checks of this corporation so signed, and be it

FURTHER RESOLVED: That said Bank shall not be liable for and that this corporation does hereby waive any claim which it may have against said Bank, and does hereby agree to defend, indemnify and save harmless said Bank from any liability, loss or damage incurred by it for paying or charging to the account of this corporation any checks to which such facsimile signature may have been affixed without authority, by the unauthorized use of the machinery and equipment by which such facsimile signatures to such checks other than such die, device, machinery or equipment used by this corporation for that purpose.

The foregoing resolution was presented for adoption by Mr. Putney, was seconded by Mr. Lenhardt and duly adopted by the following vote:

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

The next item was to approve the charge of 25 cents (.25) per page for copies of records.

Approval of
.25 per page
per copies of
records

The motion was made by Mrs. Davis and seconded by Mr. Putney to approve 25 cents (.25) per page to be charged for all Freedom of Information requests and any other materials that are requested by the general public for copying. The motion was passed by the following vote:

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

The next item was to authorize the Supervisor to enter into an Agreement with the Town's auditors for the year 1997.

Authorize the
Supervisor
enter agreeme
Town's Auditc
Year 1997

The motion was made by Mr. Lenhardt and seconded by Mr. Putney to authorize the Supervisor to enter into an Agreement to retain Casey & Lubbe, P.C., as the Town's Auditors for the year 1997. The motion was passed by the following vote:

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

The next item was to authorize the Supervisor to execute an Agreement with the Town's insurance carrier regarding a Public Official Liability Policy and a Fidelity Bond.

Supervisor to
execute Agree-
ment with
Town's Insur-
ance carrier
regarding
Public Offici
Liability
Policy

The motion was made by Mr. Johnson and seconded by Mr. Putney to authorize the Supervisor to execute an Agreement with the Town's insurance carrier to have a Public Officials Liability Policy, as

well as, a Fidelity Bond in effect for the year 1997. The motion was passed by the following vote:

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

Public
Hearing
February 12
on Interim
Development
Density Act

The next item was a request from Town Planner, Jeffrey Lipnicky, to consider extending the Interim Development Density Act. Supervisor Fuller explained a public hearing should be set for February 12, 1997. She said basically this is being extended and has been extended until the Board makes a decision on the LUMAC plan.

The motion was made by Mrs. Davis and seconded by Mr. Putney to set a public hearing for February 12, 1997 at 7:30 p.m. to consider Local Law No. 3 of 1997 extending the Interim Development Density Act. The motion was passed by the following vote:

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

Public Works
go to bid
Water Meters

The next item was a request from Bruce Secor, Commissioner of Public Works, for approval to go to bid for Water Meters for 1997.

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

WHEREAS, the Town desires to advertise for bids for Water Meters for 1997, pursuant to law,

NOW, THEREFORE, BE IT RESOLVED, that the Town Clerk advertise for such bids in THE SPOTLIGHT issue on the 15th day of January, 1997 and bids be received up to 2:00 p.m. on the 29th day of January, 1997 at which time the bids will be publicly opened and read.

The resolution was adopted by the following vote:

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

Public Works
request to
raise water
tap and meter
charges

The next item was a request from Commissioner of Public Works, Bruce Secor, for approval of raising the water tap and meter charges. Supervisor Fuller asked Mr. Secor to give a quick overview of this item. Mr. Secor said the Memorandum cited the main cause and reason was the increased cost in the meters themselves. He said they have been forced to go to a different type of meter because the meters have been having problems. He said to serve the customers, they are changing over to a different type of meter which once installed will be able to be read without entering the residence. He said this is a radio read type of meter. He said this is about \$100 in increase of cost. He said following the use of these meters, the only time they will have to enter a residence is if the meter malfunctions.

The motion was made by Mrs. Davis and seconded by Mr. Putney to approve the raising of water tap and meter charges as requested by Commissioner of Public Works, Bruce Secor. The new charge being \$750. The motion was passed by the following vote:

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

The next item was a request from Commissioner of Public Works, Bruce Secor, to approve an increase in industrial water rates.

Public
increas
industr
water r-

The motion was made by Mr. Putney and seconded by Mr. Lenhardt to approve an increase in the industrial water rates from \$1.25 to \$1.28 per 1,000 gallons. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Putney, Mr. Lenhardt, Mrs. Davis,
Mr. Johnson.

Noes: None.

The next item was a recommendation from Bruce Secor, Commissioner of Public Works, for award of bid for Vly Creek Water Purification Plant Repairs to Clarifiers.

Award
for Vly
Water
cation
repair
clarif

The motion was made by Mr. Putney and seconded by Mr. Johnson to approve the award the bid for Renewal of Clarifiers at the Vly Creek Water Purification Plant to the low bidder, JETT Industries, Colliersville, New York at a price of \$343,000. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Putney, Mr. Lenhardt, Mrs. Davis,
Mr. Johnson.

Noes: None.

The following item on the agenda was a presentation by LUMAC of recommended changes to the draft Master Plan. Supervisor Fuller asked Mr. Lipnicky, Chairman of the LUMAC Committee to present these changes.

Present
by LUMA
recomme
change.
draft h
Plan

Mr. Jeffrey Lipnicky, Town Planner and Chairman of the LUMAC Committee, said the committee asked him to make a brief presentation basically on the committee's recommendations for amendments to the draft Master Plan that was submitted to the Town Board and dated August 1994. He said the recommendations were developed after considering comments submitted by the rural land owners both verbally in 1996 and as outlined in a document submitted to LUMAC entitled, proposed comprehensive plan concepts. He said he has been asked to keep the presentation brief and therefore, he would try to hit the highlights of the committee. He said these were outlined in a letter dated January 3, 1997 to the Town Board Members.

Mr. Lipnicky said the first set of issues has to do with the land use category identified as agricultural/residence use. The rural land owners have requested that the terminology of the category be renamed to agricultural/business for various reasons. Second, that the allowable uses in this category be reflective of agriculture and thirdly, that the special area of the agricultural/residence category be looked at to be extended to other areas of the town that have agricultural land use. He said LUMAC's response to these comments and suggestions is that renaming the category -- the committee did not have any objections of the renaming. He said they recommend that this be reflected in the plan and also on the land use map. Second, with respect to the allowable uses issue, the committee had discussed this and it does not believe that there is anything currently contained in the plan that is intended to limit agricultural operations or accessory uses that are typically related to agriculture. He said they would note that the types of uses that are listed in the plan and all the listings of appropriate uses are really illustrative in nature. He said they are not text for a zoning amendment or for a new zoning code. He said they do not constitute any final list. He said the committee recommends that at the appropriate time they further discuss this issue is when zoning code amendments are actually drafted. He said they have suggested that the plan section dealing with supporting recommendations be amended to include a recommendation to this effect. He said basically when zoning amendments are drafted that this issue be looked at more carefully at that point in time. With respect to the suggestion of incorporating additional land area into this agricultural/business category, the committee believes that there may

be merit in looking at this further, however, they also believe that any additional area that might be incorporated into this land use category will need to recognize existing and current urban growth patterns in order to minimize potential land use conflicts with adjoining uses. The Committee also placed the recommendation in the supporting recommendation section of the plan that the feasibility of extending this area be further explored.

The second set of issues that were presented, according to Mr. Lipnicky, deal with the land use category identified in the plan as conservation. The rural land owners have requested the term conservation and the land use area, itself, as designated and delineated on the plan, be eliminated from the plan itself. He said the rural land owners request the mapping not show a category called conservation. He said the text explanation of this category also be eliminated from the text of the plan. Mr. Lipnicky said the committee discussed this and they cannot support either the removal of the land use category from the map or removal of the text of the land use category from the plan. The committee believes that delineation serves a vital function in that it is to inform the public to the special nature of these areas, meaning potential development hazards and constraints associated with these areas and also important environmental resources that may be associated with these areas. The committee recommends and would support a change in the name, a change in the term, of conservation to environmentally sensitive lands. In addition, Mr. Lipnicky said the committee also recognizes that the boundaries of these areas as shown on the map are generalized in nature. He said they recognize that there may be additional land area that falls within these boundaries that is suitable or may be suitable for development at higher densities. He said they suggest and recommend that the map and the text in the plan be clarified on this point to indicate that where it can be shown, these types of conditions do not exist. He said densities in these areas would then be appropriate at densities similar to that in the nearest adjoining land use category area. He said this would be accomplished with the notation on the land use map and also with a further explanation in the text of the plan. They have also noted and recommend that a statement be incorporated in the supporting recommendations section of the plan that future zoning amendments will have to recognize and accommodate these types of situations with some flexibility.

Mr. Lipnicky said the committee also suggested that the plan, itself, is not intended in these previously called conservation areas, now called environmentally sensitive lands, that there is no intention in the plan to place any type of significant types of constraints on agricultural or related land uses and perhaps, this also should be further clarified in the text. He said one further note and recommendation for a change of wording or additional wording in the plan, that they recommend that wording be added that would allow densities at basically, for individual home sites, at densities greater than that which is recommended in the plan. He said the plan currently says maximum density of 3 acres per unit in these areas and what they are saying is, density average or clustering techniques should be employed where appropriate in these areas to allow individual home sites of less than 3 acres. They also suggest wording be clarified with respect to the idea of density transfers. He said this would allow density by right be permitted in these areas and be transferred to other areas of a parcel. He said this can be done consistent with septic and sewage requirements that may apply.

The third issue, Mr. Lipnicky said, is that the rural land owners had recommended that a river front development land use category be created in the plan. The committee believes that this concept has merit and should be further explored by the Planning Department for later incorporation in the plan. Again, he said, there is some language that is suggested to be added to the supporting recommendation section that highlights this point. He said one thing to be noted is that the area that was identified on the map for this type of use, fell within the general vicinity of the Job Corps site in the Town park land along the Hudson River. He said the committee had some significant reservations as to whether or not this was the most appropriate area for such an activity.

The next significant issue that was raised and recommended by the rural land owners, had to do with expanding the commercial and retail land use areas of the Town to encourage economic development. The committee has taken the position and continues to take the position, that in terms of economic development, the quality of sites is more important than the quantity of sites. The committee also notes that this has been partially done in the context of the final generic environmental impact statement, nevertheless, LUMAC is receptive to this idea and suggests another supporting recommendation be added to the plan that this be looked at further for incorporation at the time of zoning code revisions.

The fifth issue that was raised, has to do with the 2 and 3 acre density recommendations for the agricultural/business and agricultural/residence areas, rural/residence areas in the environmentally sensitive land areas previously called the conservation areas. For a variety of reasons, Mr. Lipnicky said, the rural land owners do not believe that these densities are appropriate. He said as an alternative, they have suggested use of a so called resource based methodology which would apply at a site scale to determine densities, essentially on a case-by-case basis. The committee discussed this, they have concluded that they cannot support the concept of removing density recommendations from the plan. He said they believe this is in direct conflict with many of the goals and objectives of the plan that relate to a number of items including traffic, the provision of public facilities, etc. He said basically LUMAC views the resource based methodology as essentially saying that a developer should be allowed as much density on a site as he can justify, limited only by the economics of development. The committee believes that the densities that were recommended originally in the plan and still maintains that those densities were appropriate. He said those densities were 5 acres in the conservation areas and 3 acres in the agricultural/residence areas. He said they note that these densities were increased to 3 acres per unit and 2 acres per unit, respectively, through the final generic environmental impact statement process. The committee did support those increases in density in response to the public input process that was held. Although the committee supported the above changes, according to Mr. Lipnicky, with respect to the conservation areas, the committee could not and cannot support at this time a further increase in density in these areas. He said with respect to both the agricultural/business and the rural/residence areas, however, the committee did discuss this issue at length and in response to the public input that they have had, the committee at this point in time, is recommending that those densities in those areas be further increased to 1.5 acres per unit.

Mr. Lipnicky said he would also note, as noted before, that they believe that the way the zoning code is structured or should be structured, it should be done in such a way that an individual lot that has the potential to construct on lots that are smaller than these that are recommended in the plan.

Mr. Lipnicky said there was also a number of miscellaneous issues, although the rural land owners might not like the use of that term and he is not sure either, but there are a couple of other issues that were also raised as general issues. He said one of them relates to extractive uses, which would include such uses as timbering, mining and things of that nature that extract natural resources. He said the rural land owners have suggested that these types of uses should be permitted by right essentially anywhere outside of the tri-village area of the town. The committee discussed this to some extent and the committee believes that this suggestion is way to broad in scope to have the committee's support. He said, however, they believe this issue can be further explored at the time of zoning code amendments where and at which time they can better define what types of extractive uses might be appropriate in what areas of Town. The committee had also noted that the more intense types of extractive uses might best be handled by a special permit that is obtained through the Town Board. He said the committee's obvious concern with the extractive uses is that it creates the potential for significant land use conflicts depending upon what type of use is being talked about and what scale it is being undertaken at

with adjoining uses which might be residential or whatever the case may be.

Mr. Lipnicky said the next issue that was raised had to do with future highway corridors and identifying such corridors and providing a funding mechanism for these corridors. He said the committee discussed this and it is their conclusion that they undertook a comprehensive study of the Town's transportation system in concert with the Capital District Transportation Committee. They did an extensive computer modeling of the Town in order to determine where new roadway corridors and other improvements should be made. The committee at this point in time does not believe that there is any justification in further exploring the issue at this particular point.

Mr. Lipnicky said the next issues had to do with encourage additional hamlet interplanning and identify future potential hamlet centers. The committee notes that there are provisions in the plan for land use categories that are intended to be supportive of existing hamlet centers. The committee believes that this issue may deserve some further exploration at a future date but they would note that if it was going to be explored that it should be done so with input from persons who live in the hamlet areas of the town. With respect to the creation of new hamlet centers, the committee at this point in time does not believe that this particular recommendation deserves to be further explored right now. He said it is their view that historical conditions probably don't exist for the creation of new hamlet centers at least in the traditional sense by simply designating an area for this on a land use map.

Mr. Lipnicky said there were 2 additional issues raised that had to do with encouraging and promoting traditional farmstead design which really to some extent was an issue of not having strict zoning requirements with regard to setbacks of farm buildings or having more than 1 farm structure on a lot; issues related to what is an accessory use to a farm; and things of this nature. The committee would restate that there was no intent to inhibit traditional farming activity or accessory uses on agricultural land including structures that are associated with such activity. LUMAC's only recommendation with respect to this, at this point, is that this point be further clarified in the language of the plan. He said there is nothing in the plan that runs counter to this particular recommendation.

Finally, Mr. Lipnicky said the rural land owners have suggested that LUMAC take into consideration the encouragement and promotion of rural architecture in the Town. He said although LUMAC supports this concept, it is their conclusion that they do not think it is appropriate to regulate architectural styles or features in the rural areas of the community.

Mr. Lipnicky said these are spelled out in a little more detail and he did not cover everything but in general these are the main points of the recommendations. He said, in addition, the committee has also discussed a suggestion that had been made at one point in time, concerning how the plan should be adopted because there has been a lot of concern regarding the perception of the language of 272A of Town Law being very restrictive in that if a plan is adopted, that basically the land use regulations that followed had to mirror the plan. Mr. Lipnicky said this is the concern. The committee has always viewed this master plan as a guide and not as something that is absolutely set in stone. They have also viewed it as something that should be subject to change as conditions merit or as additional or further information may indicate. He said basically what he is saying is that, the committee would support an alternative way to adopt the plan and that is under Municipal Home Rule where we can be more clear, perhaps, on the point that the plan is intended primarily as a guide for future land use regulation and land use decision making. Mr. Lipnicky mentioned that Mr. Barr, Mr. Blendell and Mr. Messina were in attendance, as well as, Mr. Putney.

A resident asked if there was commercial site plan review in Town. Mr. Lipnicky said there is site plan regulations for commercial. The resident continued to ask if these covered the formaldehyde plant which is proposing to locate here. Mr. Lipnicky

noted this is not commercial, it is industrial. He said in respect to industrial uses, there is no site plan review. The resident asked if LUMAC addressed that issue. Mr. Lipnicky said the recommendation is that when the zoning code is drafted, there be site plan review requirements in industrial areas. Further discussion ensued with regard to the plant and the regulations.

Supervisor Fuller asked if the Board Members had any questions. There were none. Supervisor Fuller thanked Mr. Lipnicky and the Members of the LUMAC committee. She noted the Town Board just received this information on Friday, noting also that the rural land owners also received a copy of this. The Supervisor said they need time to absorb what the changes are and how they will impact everyone.

A resident, John Mead, President of the Rural Land Owners of Bethlehem, spoke indicating all he wanted to do was thank Mrs. Fuller and the Board for the opportunity in the past to allow the input into the LUMAC process. He said they would like to have an opportunity for more input. He handed out copies of the position of the Rural Land Owners of Bethlehem. Supervisor Fuller thanked Mr. Mead.

Supervisor Fuller said before the Board goes to the public, she wished to acknowledge receipt of a notice from Department of Environmental Conservation. She said it directs they wish to be lead agency for the Spurlock proposal on River Road in Glenmont. She said the Town Board received the notice Tuesday morning. She said if anyone has suggestions on this item to contact her. She also noted suggestion has been made to do co-lead agency and she talked to DEC and there is no co-lead agency between a town and DEC. She said co-lead agency has happened within 2 towns -- such as Bethlehem and New Scotland. She said anyone in attendance with concern for this, please help and support the Town Board as the process is gone through. She said she would appreciate everyone's input. She said each Board Member is just as eager to follow this process each step of the way and she asked for the help of the residents.

Spurlock
Lead Agency
From DEC

Supervisor Fuller asked if anyone wished to address the Board. Mr. Thomas Prasthofer, 15 Borthwick Avenue, spoke requesting that the following be verbatim:

MR. PRASTHOFER: I appreciate your continuing interest in an appeal and perhaps going for lead agency on appeal. I guess, we haven't had a chance... or you haven't had a chance to look over the grounds that the DEC gave for their decision. I just read a little bit about it in the Spotlight and in the Times Union.

SUPERVISOR FULLER: Actually, they was it...

MR. PRASTHOFER: It was only 4 pages or something.

SUPERVISOR FULLER: Yes.

MR. PRASTHOFER: And, when we were looking over that material before, it seemed that the guidelines that the DEC was supposed to use was that they would... all things being equal... that they should favor the local concerns over the regional concerns and they actually, even in the arguments that I read in the paper although I haven't been able to see all the arguments, it seems that they say that in 2 categories anyway, the... it is equal. And, I think that there is a lot of, at least from what I have seen, a lot of room anyway to look at an appeal and I don't think that the citizens of Bethlehem would object to spending tax payer money to go for an appeal.

SUPERVISOR FULLER: We have to be concerned about that. I think the most frustrating thing is that to go into an appeal is changing a law.

MR. PRASTHOFER: I am wondering, is an appeal the same thing as going through an Article 78. I am not familiar with what that is. Is that the appeal or is that something else?

SUPERVISOR FULLER: I am not an attorney but I think it is.

ATTORNEY KAPLOWITZ: That is basically what we would be doing. I have to say, having looked at it, I think the chances of winning an appeal are very, very slight. The trouble with this area of the law is, you have to show and the Commissioner makes a discretionary decision like this, you have to show that he abused his discretion. And, this is very difficult to do. It is not a question that maybe he is partly right and you are partly right in weighing the equities. You have to show he actually abused his discretion and it is very difficult.

MR. PRASTHOFER: Especially when the agency that is making the decision is also the one that chooses itself to be lead agency.

ATTORNEY KAPLOWITZ: That happens to be the whole problem in New York... in administrative law, the judges who make the decisions in all the different agencies are hired and work for the agencies. And, that is not true everywhere, but in New York it is, for better or worse. I am just... in all fairness, I want to say to you up front, I think the chances of winning are very, very slim. The problem is, he expounds the law in effect enforcing the law and I think that he is not far from being correct. The problem is the law is designed for En Con to win, I think, frankly. And, if you wanted to win this battle, you would have to get the law changed, in my own humble opinion. And, that is very difficult to do. He says in his opinion that where both levels of government are involved, the higher level should win and that is what he is doing. And, that is pretty much... I think those are the standards that they have set. I think he follows them. I hope I don't get quoted, Mel, because I don't need to have somebody say I said that if we do have an Article 78 but we are at the highest level of the administrative area, so the next step, I think, would be an Article 78 proceeding. What you are saying to the court is that you have to do something here because this man has abused his discretion and that I think is very difficult to prove.

MR. PRASTHOFER: And, it might be a bit idealistic, but perhaps is this system is wrong and it would require a change in the law, this might be a very good case for showing how absurd the laws are to have DEC making itself the lead agency.

ATTORNEY KAPLOWITZ: Well, we sit here, all of us, and say this certainly impacts locally and it impacts all of us, no question about it. And, we think we, therefore, should have more to say but it but that is not what the law says. It really doesn't favor the locality, in my opinion. I think it is designed to make the higher level of government successful if there is a dispute.

MR. PRASTHOFER: I don't have the same expertise, just the information that we had from the DEC from the process that they are supposed to go through. They made it sound like all things being equal, it should be the locality that has the...

ATTORNEY KAPLOWITZ: That is the first thing you said and I disagree, I don't think that is true, to be honest with you. I don't think that is what the law says.

MR. PRASTHOFER: Would it be possible for the next Town meeting to have this issue on the agenda and for people to bring, perhaps, even other attorneys in to discuss some of the possibilities of...

SUPERVISOR FULLER: I think what might be easier, if you don't mind, is if we could just schedule a meeting and come in and meet with our Town Attorney and...

ATTORNEY KAPLOWITZ: We would be glad to sit down and listen to anybody or talk to anybody.

MR. PRASTHOFER: Yes, that would be nice.

SUPERVISOR FULLER: I think it would be...

ATTORNEY KAPLOWITZ: We would have to be careful because the next Town meeting is a couple weeks away, we only get 30 days to appeal in any event, if I am not mistaken. So, we don't have a lot of time.

MR. PRASTHOFER: Yes, I was going to ask how long we have.

ATTORNEY KAPLOWITZ: We don't have a lot of time to play with it.

MR. PRASTHOFER: Everyone I know I think would certainly be happy to help as much as we could but at least to have something on the agenda of the next Town meeting just to get maybe some input from some of the citizens.

SUPERVISOR FULLER: But, I don't think you should wait until the next Town meeting.

MR. PRASTHOFER: Well, we would certainly work before that. But, then, in addition to that at least have something on the agenda for the Town Board meeting, if that's possible. Whether to present the results of some discussions that we have had or some way to inform the public about what is happening in terms of whether or not we will seek an appeal and how that is going.

COUNCILMAN PUTNEY: May I ask the question, would an appeal require Town Board action and the answer is yes.

SUPERVISOR FULLER: So, I think part of the leg work needs to be done now, as of yesterday really.

MR. PRASTHOFER: Yes, the leg... and maybe just a report of how it is going.

ATTORNEY KAPLOWITZ: Why don't you talk with whoever you have in mind or whatever and talk to Mrs. Fuller and maybe we can have a meeting before then even. We certainly would be glad to sit down with you.

SUPERVISOR FULLER: Give my office a call in the morning or as soon as you can and let's set something up and bring in your attorneys and....

MR. PRASTHOFER: Thank you. We appreciate that.

SUPERVISOR FULLER: We will have our attorneys and we will get ready.

MR. PRASTHOFER: Thanks a lot.

SUPERVISOR FULLER: Thank you.

The Supervisor asked if anyone else wished to address the Board. Mr. William Kelleher next addressed the Board. He noted he had already submitted 6 pages of material of what he was going to say. He hoped everyone had a chance to read it. (See copy following minutes). Mr. Kelleher said he wished to make it very clear that he was not talking for any group at all. He gave further information as to his beliefs regarding the water supply. Mr. Kelleher stated that 6 residences are using this water supply. Supervisor Fuller thanked Mr. Kelleher.

Mr. Kelleher
Water Issue

Supervisor Fuller asked if there was anyone else who would like to address the Board. Mr. Robert Samsel said he would like to ask Mr. Kelleher how the Town forced these 6 residents to take the water. Mr. Kelleher said absolutely. Supervisor Fuller said that she would prefer the visitors ask their questions first. She indicated Mr. Kelleher can discuss this with Mr. Samsel.

Supervisor Fuller next acknowledged Mrs. Linda Burtis. Mrs. Burtis pursued the lead agency status with DEC regarding the Spurlock proposal.

Mrs. Burtis
Spurlock

Supervisor Fuller asked if anyone else wished to speak to the Board. Mr. Sherwood Davies next spoke with regard to 2 things. He said he has heard repeatedly from many elected officials that we trust DEC and we can depend on DEC to do justice to the Town and the community. He said he would like to just advise caution. The DEC air pollution regulations are draft regulations, published in 1991. He said that is a 6 year draft, not finalized, not standards -- they are only guides. The second thing Mr. Davies mentioned is, the toxic materials listed in the draft regulations are based upon exposure of an adult. They do not consider the child, the individual who has allergies, etc. He said these are 2 of a large number of questions with regard to those regulations. He said he would urge the Town Board in their statements in regard to these DEC regulations, that they might use a little caution.

Mr. Davies said the second thing he would like to point out to support the actions that the Town has already taken with regards to the request for lead agency status to the State was population density and property values.

Supervisor Fuller asked if anyone else wished to address the Board. A resident said even if the Town is enthusiastically involved, unless we have some part of decision making power in terms of the lead agency, he asked if we would just end up being enthusiastically involved like his dog is when he takes him for a walk. Supervisor Fuller said she did not believe so. She said this is a difficult job and part of being an elected official and making tough decisions. She said she is asking for the residents help and support. She is asking the residents to work with the Board.

Supervisor Fuller said Sigi Morice has been very helpful as has everyone involved. She said the Town is interested in having the help. She thanked everyone.

Supervisor Fuller welcomed the new Board Members and Attorneys and hoped their meetings are just as quick. She said this was a little longer due to the organizational and regular agenda together.

Supervisor Fuller asked for a motion to adjourn. The motion was made by Mr. Johnson and seconded by Mr. Putney to adjourn the meeting of the Bethlehem Town Board at 9:10 p.m. The motion was passed by the following vote:

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

Meeting
adjourned
no executive
session

Kathleen A. Newkirk
Town Clerk

01/03/97

Town of Bethlehem
1997 Annual Salaries

1

Last Name	First	Title	Salary		
DAVIS	DORIS	COUNCILMAN	9,401.00	10	10
JOHNSON	ROBERT	COUNCILMAN	9,401.00		
LENHARDT	GEORGE	COUNCILMAN	9,401.00		
PUTNEY	FREEMAN	COUNCILMAN	9,401.00		
HODOM	BARBARA	COURT CLERK	46,576.00	11	10
WHITNEY	BARBARA	DEPUTY COURT CLERK	33,122.00		
BISHKO	PETER	TOWN JUSTICE	31,445.00		
WENGER	PETER	TOWN JUSTICE	31,445.00		
SABATINO	LISA	CLERK TYPIST II	26,208.00		
BLANCHARD	GERALDINE	CLERK I	25,452.00		
FULLER	SHEILA	TOWN SUPERVISOR	67,340.00	12	20
ASPRION	BARBARA	CONFIDENTIAL SECRETARY	32,622.00		
KEHOE	JUDITH	COMPTROLLER	57,366.00	13	15
WEBSTER	RICHARD	DEPUTY COMPTROLLER	46,576.00		
WEIGAND	PATRICIA	ACCOUNT CLERK II	31,611.00		
MILETTE	CATHERINE	ACCOUNT CLERK I	28,751.00		
TREMBLAY	MARY	ACCOUNT CLERK I PT TM	12,319.00		
KARINS	NANCY	RECEIVER OF TAXES	35,179.00	13	30
DEGONZA	BETTY	DEPUTY RECEIVER OF TAXES	27,501.00		
LINGNER	NANCY	ACCOUNT CLERK/TYPIST	23,702.00		
LEAFER	MELVIN	ASSESSOR	45,326.00	13	55
BUSICK	A. DIANE	ADMINISTRATIVE ASST. I	33,622.00		
MCINTYRE	ELEANOR	SENIOR ASSESSMENT CLERK	31,611.00		
NEWKIRK	KATHLEEN	TOWN CLERK	46,576.00	14	10
PICARAZZI	CATHERINE	DEPUTY TOWN CLERK	31,872.00		
MCNEIL	JULIE	DEPUTY TOWN CLERK	27,501.00		
KAPLOWITZ	BERNARD	TOWN ATTORNEY	36,307.00	14	20
SECOR	BRUCE	COMMISSIONER OF PUBLIC WORKS	74,078.00	14	90
HUMMEL SR	RICHARD	BUILDING MAINTENANCE MECHANIC	27,500.00	16	20
ASPRION	CHARLES	BUILDING MAINT. HELPER	22,583.00		
DAMMEYER	JEFFREY	DIR OF MANAGEMENT INFO SERV	58,116.00	16	80
ESPOSITO	JOHN	PROGRAMMER/ANALYST	38,953.00		
BARTKUS	MAUREEN	COMMUNICATIONS SUPERVISOR	31,711.00	30	20
BECKER	MARK	TELECOMMUNICATOR	30,711.00		
DONOVAN JR	JAMES	TELECOMMUNICATOR	29,961.00		

01/03/97

Town of Bethlehem
1997 Annual Salaries

2

Last Name	First	Title	Salary	
COOKE	KATHY	TELECOMMUNICATOR	29,711.00	30 20
GOULET	SANDRA	TELECOMMUNICATOR	29,211.00	
KEEZER	BENJAMIN	TELECOMMUNICATOR	29,211.00	
KELLY-KEEZER	DEBRA	TELECOMMUNICATOR	29,211.00	
SLEURS	BRIAN	TELECOMMUNICATOR	29,211.00	
ANDERSON	GREGORY	TELECOMMUNICATOR	23,045.00	
HORNICK	ADAM	TELECOMMUNICATOR	23,045.00	
KELLOGG	STEVEN	TELECOMMUNICATOR	23,045.00	
TOMPKINS	LEONARD	TELECOMMUNICATOR	23,045.00	
LA CHAPPELLE	RICHARD	CHIEF OF POLICE	63,852.00	31 20
VANDERBILT	RICHARD	POLICE LIEUTENANT	57,162.00	
CLARK	COLIN	POLICE LIEUTENANT	56,662.00	
HOLLIGAN	FREDERICK	POLICE LIEUTENANT	56,662.00	
SLEURS	JOSEPH	POLICE SERGEANT	52,189.00	
ROBERTS	PAUL	POLICE SERGEANT	51,339.00	
CORBETT SR	JAMES	POLICE OFFICER	51,250.00	
COX SR	JOHN	POLICE OFFICER	50,750.00	
CORSI	LOUIS	POLICE SERGEANT	50,589.00	
BEEBE	TIMOTHY	POLICE SERGEANT	50,489.00	
KERR	JAMES	POLICE SERGEANT	50,489.00	
MASTRIANO SR	JOSEPH	POLICE OFFICER	49,750.00	
BOWDISH	CHRISTOPHER	POLICE OFFICER	48,900.00	
WILSON	THEODORE	POLICE OFFICER	48,750.00	
MOSCA JR	JOSEPH	POLICE OFFICER	45,535.00	
LA CHAPPELLE	WAYNE	POLICE OFFICER	45,385.00	
ARDUINI	ANTHONY	POLICE OFFICER	45,035.00	
HAKER	JAMES	POLICE OFFICER	45,035.00	
MCMILLEN	MICHAEL	POLICE OFFICER	45,035.00	
REED-KERR	CYNTHIA	POLICE OFFICER	45,035.00	
BECKER	KEITH	POLICE OFFICER	44,535.00	
DEMAREST SR	STEPHEN	POLICE OFFICER	44,535.00	
LINSTRUTH	RAYMOND	POLICE OFFICER	44,535.00	
RINALDI	VINCENT	POLICE OFFICER	44,135.00	
OLIVER	BRUCE	POLICE OFFICER	43,785.00	
BERBEN	ROBERT	POLICE OFFICER	43,435.00	
VUNCK	JEFFREY	POLICE OFFICER	43,285.00	
ANSON	SCOTT	POLICE OFFICER	42,935.00	
HARRINGTON	DAVID	POLICE OFFICER	42,935.00	
HELLIGRASS	ROBERT	POLICE OFFICER	42,935.00	
MARKEL	ROBERT	POLICE OFFICER	42,935.00	
PAULEY	CHRISTOPHER	POLICE OFFICER	42,935.00	
RUDOLPH JR	CHARLES	POLICE OFFICER	39,191.00	
HEFFERNAN JR	THOMAS	POLICE OFFICER	37,130.00	
HUGHES	BRIAN	POLICE OFFICER	37,130.00	
HEMPEL JR	RUSSELL	POLICE OFFICER	36,630.00	
RADLIFF	CHARLES	POLICE OFFICER	35,434.00	
RESNICK	PETER	POLICE OFFICER	35,434.00	
SERES	NOEL	ADMIN. AIDE/ACCT CLERK	32,622.00	
HUGHES	CHRISTOPHER	POLICE OFFICER	30,943.00	

* EXCLUDES SHIFT DIFFERENTIAL

01/03/97

Town of Bethlehem
1997 Annual Salaries

3

Last Name	First	Title	Salary	
MARKEL	FRANCES	CLERK TYPIST I	22,583.00	31 20
WATT	RICHARD	ANIMAL CONTROL OFFICER	24,907.00	35 10
ANIGAN	JOHN	BUILDING INSPECTOR	57,022.00	36 20
OFFITHS	ROGER	ASSISTANT BLDG. INSPECTOR	40,203.00	
RELL	ANTHONY	ASSISTANT BLDG. INSPECTOR	37,850.00	
SHEA	KEVIN	ASSISTANT BLDG. INSPECTOR	37,850.00	
PLATEL	MARK	ASSISTANT BLDG. INSPECTOR	37,100.00	
DONOVAN	LOIS	CLERK TYPIST II	26,958.00	
DRAGON	JO MARY	CLERK TYPIST II	26,208.00	
DUNN	MARLYN	CLERK TYPIST II	26,208.00	
NEWKIRK	KATHLEEN	REGISTRAR OF VITAL STATISTICS	1,000.00	40 20
SAGENDORPH	GREGG	HIGHWAY SUPERINTENDENT	64,663.00	50 10
BARRETT	MARY	ADMINISTRATIVE ASST. I	31,872.00	
CHENEY	SANDRA	CLERK TYPIST I	23,702.00	
PELLETTIER	KAREN	DIRECTOR OF SENIOR SERVICES	44,008.00	67 72
BECKER	JOYCE	ASST DIR SR CITIZEN SERV	35,929.00	
WIRTH	CAROLINE	OUTREACH WORKER	35,179.00	
LAYMAN	JOYCE	PROGRAM ASSISTANT - SENIOR SRV	26,208.00	
SINUC	LINDA	OUTREACH WORKER - PART TIME	23,278.00	
MOSIER	ELIZABETH	CLERK TYPIST I	21,561.00	
AUSTIN	DAVID	ADMINISTRATOR PARK & REC	53,505.00	70 20
HINMAN	NAN	ASST.ADM.OF PARKS AND REC.	41,079.00	
REAGAN	JAMES	PARKS MAINTENANCE SUPERVISOR	38,850.00	
ELLIS	LISA	ACCOUNT CLERK II	28,251.00	
UGOLECKI	NOREEN	CLERK TYPIST II	24,908.00	
ASTETTER	DONALD	RECREATION MAINTENANCE MAN	29,848.00	71 10
ALLEN	WILLIAM	RECREATION MAINTENANCE MAN	29,098.00	
HUMMEL	STEVEN	RECREATION MAINTENANCE MAN	29,098.00	
TURNER	SCOTT	RECREATION MAINTENANCE MAN	29,098.00	
ALLGAIER	JOSEPH	HISTORIAN	2,600.00	75 10
KEHOE	JUDITH	CABLE ADMINISTRATOR	1,500.00	75 20
HODOM	MICHAEL	CHAIRMAN BOARD OF APPEALS	4,594.00	80 10
LEWIS	RICHARD	BOARD OF APPEALS MEMBER	3,585.00	
MORGAN	JAMES	BOARD OF APPEALS MEMBER	3,585.00	
O'BRIEN	MARJORY	BOARD OF APPEALS MEMBER	3,585.00	
WIGGAND	ROBERT	BOARD OF APPEALS MEMBER	3,585.00	
CIRILLO	ALICE	CLERK STENOGRAPHER II	36,429.00	80 20
HASBROUCK	DOUGLAS	CHAIRMAN PLANNING BOARD	9,496.00	
BLENDELL	JAMES	PLANNING BOARD MEMBER	3,585.00	
NELSON	MARCIA	PLANNING BOARD MEMBER	3,585.00	80 20
ODELL	DANIEL	PLANNING BOARD MEMBER	3,585.00	
REED	PATRICK	PLANNING BOARD MEMBER	3,585.00	
ROKS	JOSEPH	PLANNING BOARD MEMBER	3,585.00	
NICKY	JEFFREY	TOWN PLANNER	54,772.00	80 21
SAATMAN	JANINE	DEPUTY TOWN PLANNER	43,258.00	
WEBB	MARIE	CLERK TYPIST I	20,540.00	

William J. Kelleher
182 Roweland Avenue
Delmar, New York, 12054
Telephone 518 - 439 - 6281

1/6/97 SF

January 5, 1997

Dear member of the Bethlehem Town Board:

Attached is a letter from Mr. John M. Dunn of the State Department of Health, dated December 31, 1996, which is a reply to my letter that criticized the use of preozonation of water high in organic nitrogen compounds. The letter from the DOH represents a major change in position and confirms my statement that the organic analyses of water samples made in 1993 are completely invalid.

The consultants, the DEC and the DOH all agreed that the organic material found in the July, August, 1993 water samples was dissolved organic material that came from the filtering of Hudson river water. In fact this was a major selling point at public hearings and was a major reason why the DEC rejected the "petition" of Attorney Joseph Glazer to have the permit revised or revoked. However now the DOH agrees with me that the organic material found in the 1993 samples obtained during the 2 month pump test came from natural vegetation on the land side and that the organic material found in the operating well comes from sludge deposits on the bottom of the river.

Please note that the Town spent \$ 650,000 on ozone equipment to oxidize dissolved iron. However when the petition criticized this waste of money the DOH said that natural aeration and potassium permanganate would be used to oxidize the iron. This was another reason why DEC rejected the petition.

Also note that the DOH did not address the disinfection by products that are produced when water high in organic nitrogen compounds are treated with chlorine and/or ozone. During a typical dry summer it is possible that 20 pounds per day of the war gas chloropicrin could be discharged from the cooling towers at Selkirk. Further would any member of the Town Board recommend that baby formula be made with a water that is known to contain significant concentrations of trihalomethanes, may contain high levels of the extremely toxic war gas chloropicrin and has not been evaluated for PCBs that are known to be in the sludge deposits?

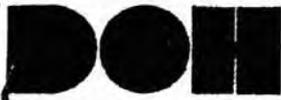
Also note that the DOH did not address the reasons why the only time this water was treated with ozone that the potential for producing trihalomethanes went up 80 percent and not down as was supposed to happen. Again the issue of questionable data and reporting of the data concerning trihalomethane production raised by the petition was dismissed by the DOH and DEC.

Also the DOH did not discuss the reasons why the total trihalomethane in the well water is three times higher than was predicted when this project was approved. The summer of 1996 was very wet and during a typical dry summer it is possible that the total trihalomethane could be 20 times higher than was predicted by the consultants and approved by the State and County.

Sincerely yours,



William J. Kelleher



**STATE OF NEW YORK
DEPARTMENT OF HEALTH**

Office of Public Health

11 University Place

Albany, New York 12203-3399

Barbara A. DeBuono, M.D., M.P.H.
Commissioner

December 31, 1996

Mr. William J. Kelleher
182 Roweland Avenue
Delmar, NY 12054

RE: Town of Bethlehem - New
Source and Treatment
(T) Bethlehem, Albany County

Dear Mr. Kelleher:

Commissioner DeBuono has asked me to respond to your November 25, 1996 letter related to the new Town of Bethlehem source and treatment facilities.

The infiltration gallery was designed by the Town of Bethlehem's consultants and approved by this Department to operate by inducing recharge flows from the river to minimize iron levels and total organic carbon levels. This Department and the Albany County Health Department have been reviewing operational data pertaining to these and related parameters since this source was placed in service. Our reviews will continue to assess whether the recharge flow is performing as designed. We will also continue to assess disinfection by-product levels, which to date are meeting Sanitary Code requirements.

The ozone generation facilities should be operational within the next few weeks. This new equipment should be of additional benefit for aerating any dissolved iron found in the raw water. We will keep you informed of the status of the additional process.

Sincerely,

John M. Dunn, P.E.
Chief, Design Section
Bureau of Public Water Supply Protection

bs/96366PRO0321

cc: Albany County Health Department, Attn: Mr. Forando
Town of Bethlehem, Attn: Mr. Secor
Mr. Tramontano
Mr. Smith
Mr. Wakeman
Mr. Burke
PAG #4215

**WILL BETHLEHEM'S NEW SUPPLEMENTAL
WATER SYSTEM BE SAFE? ABSOLUTELY!
HERE'S WHAT THE STATE HEALTH DEPARTMENT
CONCLUDES, AS RECENTLY AS OCTOBER 14TH...**



**STATE OF NEW YORK
DEPARTMENT OF HEALTH**

Center for Environmental Health

2 University Place

Albany, New York 12203-3399

Mark R. Chessin, M.D., M.P.P., M.P.H.
Commissioner
Paula Wilson
Executive Deputy Commissioner

October 14, 1994

OFFICE OF PUBLIC HEALTH

Lloyd F. Novick, M.D., M.P.H.
Director

Diana Jones Ritter
Executive Deputy Director

William N. Staskuk, P.E., Ph.D.
Center Director

Mr. Bruce Secor
Department of Public Works
Town of Bethlehem
Town Hall - 445 Delaware Avenue
Delmar, NY 12054

RE: Town of Bethlehem Water
Treatment and Source
Facilities, Albany County

Dear Mr. Secor:

In light of the articles recently appearing in the local media regarding the Town of Bethlehem's water treatment plant and infiltration gallery, I believe it is necessary that this Department clarify its position on the project.

This Department fully supports the project which includes the infiltration gallery, ozonation, chemical treatment, filtration and post-disinfection facilities. The fact that our office endorsed the water supply application and formally approved the final plans and specifications on April 11 and May 9, 1994, documents this. If we had any concerns regarding the reliability and safety of the finished water quality resulting from these facilities, we certainly would not have issued this approval.

With respect to our April 27, 1992 letter that has recently been referred to, it should be noted that at that time the pilot infiltration gallery, intended to document satisfactory raw water quality, was not yet completed. The subsequent satisfactory raw water quality, coupled with a well-designed treatment process, convinced us of the merits of the proposed project. In other words, the project evolved significantly between the issuance of the April 27, 1992 letter and the approval dates of April 11 and May 9, 1994. We are fully confident that the drinking water produced by this facility when completed will be of excellent sanitary quality.

We wish you success on the completion of the project. If you have any questions on our position, feel free to contact me at (518) 458-6756.

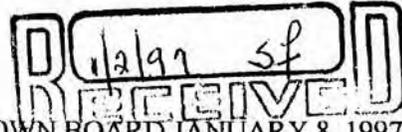
Sincerely,

John M. Dunn, P.E.
Chief, Design Section
Bureau of Public Water Supply Protection

Don't let the truth be masked by politics.

(Paid for by the Bethlehem Republican Committee)

Printed on recycled paper



STATEMENT BEFORE THE BETHLEHEM TOWN BOARD JANUARY 8, 1997

BY

WILLIAM J. KELLEHER

The town's new 13.9 million dollar water supply is a failure because it's an extremely poor quality drinking water and the yield of the well during dry summer months will not be enough to meet the industrial demand. Further by forcing people in 6 homes and over 250 workers to use this inferior quality water the town has assumed a much larger risk of liability than is normal.

The new supply should be shut down and the following persons sued for malpractice: J. Kenneth Fraser and Associates, Dunn Corporation, Rust Environment and Infrastructure, J. H. Consultants, the state of New York and Albany county. All of these persons worked together with the town engineer, Mr. Bruce Secor, to promote the new water supply. However the responses to the petition of Attorney Joseph A. Glazer to have DEC's permit revised or revoked clearly shows that none of the persons involved in the conspiracy were competent in the design of a horizontal infiltration well next to a river that has septic sludge deposits lying on the bottom of the river.

During the so called pump test made in 1993 a contractor was dewatering an adjacent section of trench. Therefore a significant amount of water stored in the ground on the land side of the well was being drawn towards the test well. However it was "assumed" that this better quality water was coming from the river side of the well. Therefore the well was designed to maximize the infiltration of Hudson river water down through the bottom of the river.

The results after 6 months of operation in 1996 confirm that all of the organic material found in the well water comes from organic nitrogen compounds produced by bacteria in septic sludge deposits. However there was little organic nitrogen found in the 1993 samples which indicates the water only contained natural humus material that can be found in the wet lands on the land side of the well.

The above means that the extensive organic analyses made in 1993 are completely invalid and that the water that people are being forced to use has never been tested for PCBs, decomposition products of PCBs and for toxic organic nitrogen compounds such as the war gas chloropicrin.

Tests have been made for total trihalomethane and in the summer of 1996 it was three times higher than was predicted based on tests made in 1993. The trihalomethane concentration exceeded the State limit and could possibly increase 100 percent once the ozone equipment is placed in operation. During dry summer months and with preozonation, the release of chloropicrin to the air inside a home or to the outside air from the cooling towers at Selkirk could represent a significant health hazard.

I will ask the town board one question. Would you recommend that baby formula be prepared with this water? I had no problem telling my daughters that the Vly Creek system was perfectly satisfactory for preparing baby formula but the same would not be true for the foul water that the town has forced on some unfortunate residents.

A list of 33 examples of poor engineering practices that occurred in the design and approval of this project is attached. Please note that assumptions replaced good engineering studies, many assumptions were wrong and that data that did not fit the assumptions was ignored or dismissed as an "aberration".

• LIST OF POOR ENGINEERING PRACTICES THAT OCCURRED IN THE DESIGN AND APPROVAL OF THE TOWN OF BETHLEHEM'S HUDSON RIVER WELL SUPPLY

by

William J. Kelleher, January 1, 1997

- 1- Assumptions replaced the normal engineering procedure of making a flow net analysis. Also the usual procedure of using observation wells to confirm and adjust the flow net analysis to conform with actual conditions in the field was replaced by assumptions.
- 2- There was no flow net analysis made for the 1993 pump test nor were there observation wells. Assumptions replaced both. The fact that a contractor was dewatering an adjacent section of trench during the pump test was ignored. The possibility that the better quality water was coming from the land side, as a result of the large drawdown caused by the contractor, was never considered. A flow net analysis would have shown where the water came from.
- 3- The sanitary survey did not include an evaluation of the bottom of the river even though it was assumed that over 90 percent of the water entering the well originates from infiltration of river water down through the bottom sediments.
- 4- The high ammonia in the well water, as an indicator of septic sludge deposits, was completely ignored. When the ammonia in the well water exceeded the standard of 2.0 mg / liter for ground waters neither the DEC nor the DOH made an investigation.
- 5- An assumption was made that the dissolved iron in the aquifer water originated on the land side. Therefore a clay wall barrier or dam was built, along the 1000 foot length of the well, to exclude water from entering the well from the land side. Any experienced well designer knows that the dam will not work, even if the iron originates from the land side. Also the dam reduces the potential well yield by 50 percent.
- 6- If reports from the DOH and the DEC had been consulted it would have been known that the iron, manganese, ammonia, phosphates and organic nitrogen found in the well water originate in the sludge deposits on the bottom of the river. Hence the clay wall barrier maximizes the concentrations of materials that cause poor water quality.
- 7- An assumption was made that the nature of the organic material found in the well water was the same as that in the Hudson river. Another assumption was that the organic material coming from the river side was natural humus material. Both assumptions are wrong.
- 8- Besides the high ammonia there were at least two other warning signs that the nature of the organic material might be different than what was assumed but these signs were ignored or dismissed as an "aberration".
- 9- The ratio of organic carbon to organic nitrogen found in the 1993 samples indicated that the organic material was mostly natural humus material. However the ratio in the 1996 samples indicates the organic material in the well water comes from bacteria associated with septic sludge. The most plausible explanation is that during the 1993 pump test the water originated in the wet lands on the land side and that in 1996 the water flowed down through the bottom of the Hudson river and then horizontally into the well. **There is one thing for certain, all of the organic analyses made in 1993 are not representative of the well water that is being obtained today.**
- 10- The use of preozonation was based on the assumption that the organic material was natural humus material but it is actually organic material associated with septic sludge deposits. The organic material should have first been removed by an aeration / biological process such as activated sludge. This would have minimized the manganese, ammonia, organic nitrogen and high chlorine demand problems. It would have made the subsequent use of ozone far more effective.
- 11- The assumption was made that the concentration of iron in the well water would eventually approach that in the Hudson river. This assumption shows a lack of knowledge as to how iron behaves in surface waters and in ground waters. The concentration of iron in the well water did not decrease during the first 10 months of operation.

- 12-The taking of water over the entire depth of a shallow 1000 foot long horizontal well means that the well yield will reduce with time because of clogging of the aquifer with iron hydrate.
- 13- There was no provision to continuously monitor the water level in the well so that the town can predict what the long term well yield will be. In fact no measurements of water levels in the well were made during the first 10 months of operation.
- 14-The well design optimizes the growth of iron bacteria which are bound to eventually cause major problems with water quality.
- 15- The design includes plastic piping to add hydrochloric acid to remove the growth of iron bacteria. However there are no written procedures nor permits to inject hundreds of gallons of hydrochloric acid into an operating well 30 feet from a river.
- 16- The philosophy of asking how the water can be treated instead of asking why some unwanted material is there in the first place is obvious from the statement "a little bit of ammonia is readily treatable". The fact that the ammonia and organic nitrogen cause a large chlorine demand which produces tastes and odors was of no concern to the consultants nor to the State.
- 17-The design includes use of a 20 foot deep open emergency reservoir to provide sedimentation to remove iron and some manganese. However the open reservoir causes a serious problem with the growth of algae because of the phosphates, organic nitrogen and ammonia picked up from the sludge deposits. Since algae cause tastes and odors the design called for treatment of the reservoir water with copper sulfate.
- 18-The fact that after 6 months of operation there is soluble organic iron in the finished water confirms that iron bacteria are growing in the well or the reservoir.
- 19-Residents were told that "The quality and purity of our supplemental water supply will be equal to or better than the present supply" and that the "water supply has been tested and retested and will exceed quality standards set by the State and Federal Government". Within one month of operation State and Federal standards for manganese were exceeded and the State standards for odor and color were exceeded. The taste and odor problem was handled by not measuring odor from the finished water. The Vly Creek system routinely meets the State limit for odor according to monthly reports by the Town's consulting chemist. The new supply can not.
- 20-The Town recognized that the water would be of poor quality and "split" the water supplies forcing people in 6 homes and over 250 industrial workers to use the inferior quality water while the majority of the Town residents use the Vly Creek system. The Town now has a much larger risk than normal if legal action were to be taken because of a health effect alleged to be caused by the new supply.
- 21-The only water treatment plant in this country that uses preozonation and superchlorination for removal of manganese is a surface water supply that has no organic nitrogen in the water. The plant uses post ammonia addition to form chloramines to reduce tastes and odors and to "reduce the formation of trihalomethanes". Yet according to the persons that promoted this project preozonation is very common for this type of water.
- 22-As early as May 1991 the design engineering firm knew that post ammonia treatment would be needed to reduce tastes and odors and the formation of trihalomethanes. However the State did not require post ammonia treatment.
- 23- The so called pilot plant studies on superchlorination for manganese removal involved jar tests. However the normal scientific procedure of measuring the concentration before and after on the same sample of water was not followed. When the total organic carbon in the treated water exceeded 13 mg / liter compared to 6 mg / liter found 3 months previously, the result was dismissed as an "aberration". However the State fully accepted the results for trihalomethanes on the same samples.
- 24-The same thing happened when the only time this water was treated with ozone the potential for producing trihalomethanes went up 80 percent from a sample taken the previous day. Was it caused by a change in raw water quality within one day or did ozone cause the organic material to be changed? Again the State made no investigation of the strange results and the State and

- the consultants all still insisted that the water quality was very consistent.
- 25-As early as May 1991 the design engineer knew that preozonation might increase the formation of trihalomethanes and that the concentration of chloropicrin would definitely be increased by the use of preozonation.
 - 26-The EPA has not investigated the extremely toxic war gas chloropicrin because it originates from organic nitrogen and all drinking water supplies in the US, with the exception of the town's new supply, do not have significant concentrations of organic nitrogen. As an example the concentration of organic nitrogen of 2.7 mg / liter in the well water is 17 times higher than that found in the Hudson and Delaware rivers both of which are used for drinking water supplies.
 - 27-There were no bonds posted to guarantee against poor well yield and poor treatment plant performance. A design consultant used Lincoln Nebraska's new radial well as an example of a successful horizontal infiltration well. An experienced engineer should know the many differences between a radial well and a horizontal well. Further the City of Lincoln has a 100 percent guarantee on its 17 million gallons per day well that is backed by a firm that has over 50 years of experience in the design and construction of radial wells. The Town of Bethlehem has no guarantee whatsoever on its well.
 - 28-The original well design was based on a Dunn Corporation report dated December 6, 1991. The design was for a 1500 foot two barrier horizontal well that would "hopefully" only obtain water through the river bank that would be free of iron. The design was highly speculative. It was absolutely essential that the sea wall along the river offer no resistance to the flow of shallow ground water through it. One does not have to be a trained engineer to recognize that the report rejected the idea of taking water from the deeper aquifer underneath the river. It was this highly speculative design that was used to justify the town's contract with Cogen to provide drinking water to generate steam consumed by GE and to provide cooling water.
 - 29-During May or June of 1992 tests pits were dug next to the sea wall and it was found to be impermeable. The original design was impossible. It was therefore decided to use the full depth of aquifer and a second Dunn report was prepared which included many of the poor engineering practices that are explained here. The second Dunn report was not sent to the State for review before permits were issued.
 - 30-When the second Dunn report was uncovered by a citizens group Attorney Joseph Glazer submitted a petition to have the permit rescinded or revised. **The State found the petition to be without merit and fully supported the entire design in terms of both the amount of water and the excellent quality drinking water.**
 - 31-The well pumps had to be significantly modified because of design errors resulting in a lower pumping efficiency. This will cost the Town over 15,000 dollars per year.
 - 32-The manholes for the well pumps were not made deep enough. Therefore the pumps had to be set higher in the well reducing the well capacity.
 - 33-The well will not yield 6 million gallons of water per day which was specified in the contract. **No one has yet determined what the expected well yield will be at times of low flow in the Hudson river.**