

TOWN BOARD
JANUARY 9, 2002

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

PRESENT: Sheila Fuller, Supervisor
George Lenhardt, Councilman
Doris M. Davis, Councilman
Daniel G. Plummer, Councilman
Thomas Marcelle, Councilman
Kathleen A. Newkirk, Town Clerk
Robert J. Alessi, Esq., Town Attorney

- - -

Supervisor Fuller welcomed everyone to the meeting of the Town Board. She invited everyone to join in the pledge of allegiance.

The Supervisor noted the first part of the meeting was the Organizational Meeting for the year 2002 and then the regular agenda will follow. Before beginning the agenda, the Supervisor thanked the community for their support of her reelection for the privilege of serving each and every family in this community for another 2 year term. She said this is her 5th 2-year term and she is proud to be here to be able to serve the community and have the opportunity to continue to do that.

The first item tonight is to welcome Tom Marcelle who also was just elected. She said they welcome him. She said they would put him to work in a hurry. Mr. Marcelle thanked the Supervisor.

Supervisor Fuller next, in accordance with the Town Law Section 42, she appoints George Lenhardt as Deputy Supervisor for the term expiring December 31, 2002. She noted Councilman Lenhardt was also reelected. Councilman Lenhardt thanked the Supervisor.

The next item was to appoint Town Attorney, Robert J. Alessi, at a salary of \$42,089. Supervisor Fuller noted this is a 2 year appointment serving with the Town Supervisor.

The motion was made by Mr. Lenhardt and seconded by Mrs. Davis to approve the appointment of Robert J. Alessi, Esq. As Town Attorney at a salary of \$42,089. The motion was passed by the following vote:

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

Noes: None.

The next item was to acknowledge receipt of correspondence from Town Clerk, Kathleen A. Newkirk, Pursuant to Article 3, Section 30 of Town Law, regarding the appointment of Catherine T. Picarazzi and Julie McNeil as Deputy Town Clerks at salaries as set forth in the Year 2002 adopted budget. Terms to run concurrent with the term of the Town Clerk and expire on December 31, 2003.

The next item was to adopt resolution setting salaries for the year 2002.

WHEREAS, the Town Board has held an organizational meeting for the year 2002, according to law,

NOW, THEREFORE, BE IT RESOLVED, that the attached list of salaries (on file in the Office of the Town Clerk and following the minutes) for the employees of the Town of Bethlehem are hereby authorized to be paid.

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

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

The next item was to appoint Commissioner of Public Works, Bruce Secor, at a salary of \$86,427.

The motion was made by Mrs. Davis and seconded by Mr. Lenhardt to approve the appointment of Commissioner of Public Works, Bruce Secor, at an annual salary of \$86,427. The motion was passed by the following vote:

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

The following item was to authorize Highway Department salaries according to approved grade/step schedule for 2002, as follows:

<u>TITLE</u>	<u>GRADE LEVEL</u>
Highway Foreman	16
Automotive Mechanic	14
Equipment Operator II	14
Maintenance Mechanic	
Equipment Operator II	12
Equipment Operator I	11
Laborer II	9
Laborer I	7
Part-time Laborer	\$7.50/hour
	\$7.00/hour

The motion was made by Mrs. Davis and seconded by Mr. Lenhardt to approve the foregoing salaries for the Highway Department for the year 2002 at the grade/step schedule listed. The motion was passed by the following vote:

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

The next item was to authorize Public Works Department salaries according to approved grade/step schedule for 2002.

<u>Job Title</u>	<u>Grade Level</u>
Director of Field Operations	23
Public Works, continued:	
Engineering Services Administrator	23
Chief Water Treatment Plant Operator	23
Deputy Chief Water Treatment Plant Operator	19
Chief Sewage Treatment Plant Operator	20
Deputy Chief Sewage Treatment Plant Operator	18
Foreman II	17
Foreman I	16
Instrumentation Mechanic	14
Senior Water Treatment Plant Operator	16
Office Manager	15
Administrative Asst. I	12
Senior Sewage Treatment Plant Operator	16
Water Treatment Plant Operator	13
Water Treatment Plant Operator II	14
Sewage Treatment Plant Operator	13
Principle Utility Technician	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 - Maintenance Mechanic	14
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
Public Works Continued:	
Temporary Employee Meter Reader	- Hourly Rate Range from Minimum wage to \$17.00/hour
Temporary Clerk - Typist	-commensurate with duties performed .
Senior Engineer	21
Principal Engineering Technician	17
Senior Engineering Technician	14
Engineering Technician	11
Engineering Aide I	7
Draftsman	7
(Longevity pay to be added to above salary rates in accordance with Town Board policy.)	

The motion was made by Mrs. Davis and seconded by Mr. Lenhardt to approve the above titles and salary grades for the Department of Public Works for the year 2002. The motion was passed by the following vote:

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

The next item was 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 is presented for approval.

FULL TIME

<u>TITLE</u>	<u>NAME</u>	<u>F-T GRADE</u>	<u>100/70% 2002 RATE</u>	
Enforcement Off.	Sleurs,Joseph	3 yr.off.	100	20.50
Clerk Typist I	Hulme,Ann	6	70	8.74
Clerk Typist I	Vadney,Lois	6	70	8.74
Clerk Typist I	Merritt,Ahlfied	6	70	8.74
Clerk Typist I	McCarroll,Bella	6	70	8.74
Clerk Typist I	Boughton,Karen	6	70	8.74
Clerk Typist I	Hahn,Patricia	6	70	8.74
Clerk Typist I	Fitzpatrick,Doris	6	70	8.74
Clerk Typist I	VanLiew,Thelma	6	70	8.74
Recycl. Coord.	Fisher,Sharon	11	100	14.95
Maint. Helper	Jesse Turner	6	100	11.65
Maint. Helper	Lee Sleurs	6	100	11.65
Youth Employ.	Lackner, Susan	14	70	12.97
Recycling Coord.	Fisher, Sharon	11	100	15.87
Asst.Bldg.Insp.	Dominelli,Edward	15	70	16.48
Public Info.Sp.	Lewis,Richard	15	70	13.54

The motion was made by Mr. Lenhardt and seconded by Mrs. Davis to approve the preceding list of part time personnel at the titles and salaries listed. The motion was passed by the following vote:

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

The next item was to approve the appointment of Town Historian as follows:

Joseph A. Allgaier	\$2,600
--------------------	---------

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

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

The following item was to approve the Board of Appeals appointments as follows:

Member (Term expiring 12/31/06)	Robert Wiggand	\$4,157
Chairman	Michael Hodom	\$5,326.

The motion was made by Mr. Lenhardt and seconded by Mrs. Davis to approve the appointment of Robert Wiggand, Glenmont, NY to the position of Member, Board of Appeals, expiring December 31, 2006 at the salary of \$4,157 and the appointment of Michael Hodom, Delmar, NY to the position of Chairman for the year 2002 at the salary of \$5,326. The motion was passed by the following vote:

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

The next item was to approve appointments to the Planning Board. The appointment is for Douglas Hasbrouck as Chairman of the Planning Board and Howard Engel to the position of Member. Mr. Engel comes from the Selkirk area of Town, according to the Supervisor, replacing Patrick Reed whose term is up this year and this is a 7 year term.

The motion was made by Ms. Davis and seconded by Mr. Plummer to approve the appointment of Douglas Hasbrouck to the position of Chairman of the Planning Board at a salary of \$11,007 for the year 2002 and a new member of the Planning Board, Howard B. Engel at a salary of \$4,157 for a 7 year term.

Councilman Marcelle asked to address some discussion on this. He said he wished to make a point before the vote on the appointment of Howard Engel. He said he received a fax for Mr. Engel's resume on Monday and had a chance to discuss with him the position. He said they discussed his goals and hopes and dreams. He said he is a personal friend of his family and a man of high integrity. He said a man who comes from the southern part of Town who knows the issues and certainly can represent the concerns of the neighborhood.

Councilman Marcelle said the only concern he has at this point, and he asked that that nomination not be considered for the reason that he knows there have been

some other people who have expressed interest as of this date and said he met with some members of the IDA who have asked to explore some names. He said he has not had a chance to talk to all the Members of the Board about Patrick Green. He said he spoke with one individual, the Supervisor, but not the rest of the Board. He mentioned that he knows Pat Green and that he is a lawyer of exceptional competency, and a strong advocate for the Town.

Councilman Marcelle said he certainly believe one of the most important issues facing the Town is economic development and the Planning Board plays a key role in that. He said he would just like the Board to consider other candidates that may come forward before this vote is taken. He asked the Town Board to postpone consideration until they can consider the candidacy of Pat Green.

Supervisor Fuller said there was a motion and second on the floor. Councilman Lenhardt said he would second the postponement. Town Attorney Alessi noted the motion on the table has to be addressed first before the other motion can be considered.

Councilman Davis said she knows Mr. Engel and spoke to any number of people before she spoke to the Supervisor about his nomination. She said he is very highly respected as Tom said and represents a part of the community that is not otherwise represented on the Planning Board. She said Mr. Green would not represent Selkirk or South Bethlehem either. She said this was something that the Board had, she thought, discussed and agreed was an important part of the Planning Board and what the Planning Board make-up should be. She said she felt very strongly that Mr. Engel because of his high respect in the community and the contributions that he has made to this community for a long, long time and because of the references he has, and that she received directly from people she respects, she would very strongly urge that the Board vote on that tonight.

Councilman Plummer added that he had a long talk with Mr. Engel and it is his view that coming from where he does, and living in the southern part of the Town for as long as he has, his entire life and growing up there and knowing the people in the area – he lives right off 396 – he thinks they are talking about an area of Town that is pretty much unzoned and it is his view that it is time to zone that and he thinks that he would be an immense asset to the community in that regard. So, Mr. Plummer said, that's why he is supporting Mr. Engel.

Supervisor Fuller said she would take a step back to, she believes, 2 weeks ago where they interviewed potential candidates for the Planning Board. She said Mr. Greene has lived in this community for a long time. She said Mr. Greene called her at 6:15 p.m. this date and asked that he be considered for this appointment. She said starting her 9th year in public office, she has not seen an event such as this. She said she thinks that the Board did discuss the fact that the southern end of Town needs to be represented and felt it was very important that they have the perfect representative who will be concerned about their interests and not be concerned about just a simple appointment to a board in the Town of Bethlehem. She said what makes the Town of Bethlehem the best place that it is is that the people who are appointed care about this Town and are willing to give 200 percent to this Town. And, for that reason, there is a motion and a second and this can proceed.

Councilman Lenhardt said he was the only one who had not spoken. He said as he was approached in the middle of the summer by one candidate who has been interviewed by this Board. He said he was not planning on using his name this evening but since names have been thrown around -- he did not know Mr. Engel and said he was sure he was a very capable and fine individual and will represent the entire Town as all the Board members should – however, he has thrown his support to Jeff Perez who was the only candidate who came before this entire Board in a personal interview and that is the reason why he cannot support Mr. Engel. He said he certainly supports Mr. Hasbrouck and so his weighing in in a vote is going to be split.

Town Attorney Alessi said the original motion on the table must be dealt with before consideration is given to change it. He said the Board must either vote on the motion or the proponent withdraw the motion and takes it off the table. Councilman Marcelle asked if it was permissible to amend the motion. Town Attorney Alessi said with the consent of the person who made the motion. Councilman Davis said she would not withdraw the motion.

Supervisor Fuller called for a vote on the motion. The motion was passed by the following vote:

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

Noes: Mr. Lenhardt, Mr. Marcelle.

- - -

Town Attorney Alessi said for the record, as he understands it, the 3-2 does not affect Mr. Hasbrouck, who otherwise, but for the formality of the motion would have been unanimously voted on for his position. He asked if this were correct. Councilman Lenhardt and Councilman Marcelle each noted that was correct. Town Attorney Alessi said this was so that the organizational record reflects that fact.

The next item was to approve the appointment of following Counsel to serve at pleasure of the Board in the following capacities and subject to the direction of the Town Attorney to be assigned as and where needed. Mr. Alessi said he would like to add that each of the Attorneys on here are authorized pursuant to the Judiciary Law to appear on behalf of the Town as Assistant Town Attorneys in Town Court.

Water & Sewer District	Charles J. Tobin,III	Claim Basis
Highway Department	Michael Smith	Claim Basis
Town Court Attorneys	Charles J. Tobin, III	\$10,000
	Paul F. Dwyer, Jr.	\$10,000
Planning Board	Keith Silliman	\$17,220
Board of Appeals		\$17,220

The motion was made by Mr. Marcelle and seconded by Mr. Plummer to approve the appointment of the foregoing Counsels as listed. The motion was passed by the following vote:

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

Noes: None.

The next item was to approve appointment of following School Crossing Guards:

Hugh Tuohey	\$10.77/hour
Isabel D. Glastetter	10.77/hour
William Gathen	10.77/hour
Lawrence Becker	10.77/hour
Raymond Linstruth	10.77/hour

The motion was made by Mrs. Davis and seconded by Mr. Lenhardt to approve the appointment of the foregoing School Crossing Guards at the rates of pay stated. The motion was passed by the following vote:

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

In accordance with Public Health Law, appoint the following as Registrar of Vital Statistics for period January 1, 2002 through December 31, 2003:

Registrar of Vital Statistics - Kathleen A. Newkirk - \$1,000.

The motion was made by Mr. Lenhardt and seconded by Mr. Plummer to appoint Kathleen A. Newkirk to the position of Registrar of Vital Statistics for the period January 1, 2002 through December 31, 2003 at a salary of \$1,000. The motion was passed by the following vote:

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

Noes: None.

The next item was to acknowledge receipt of communication from Town Clerk/Registrar, Kathleen A. Newkirk, CMC, RMC, regarding appointment of Deputy Registrar of Vital Statistics, Catherine T. Picarazzi and Sub-Registrar of Vital Statistics, Julie McNeil for the period January 1, 2002 through December 31, 2003:

The next item was to acknowledge appointment of Voting Machine Custodians Kevin Kermani by the Republican Chairman and William Burkhard by the Democratic Chairman for year 2002.

Supervisor Fuller noted a letter has been received from the Board of Elections and this item is to be held and it will be tabled until further notice from Albany County Board of Elections.

The next item was to acknowledge receipt of a recommendation from Commissioner of Public Works, Bruce Secor, regarding the appointment of Kenneth E. Drautz as Consultant Chemist for Water Division of the Department of Public Works, and Special Consultant.

The motion was made by Mrs. Davis and seconded by Mr. Plummer to approve the appointment of Kenneth E. Drautz as Consultant Chemist for Water Division of the Department of Public Works and Special Consultant at a rate of \$8,526 yearly. The motion was passed by the following vote:

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

Noes: None.

The next item was to approve appointment of Supervisors for the Fire Training Ground for 2002:

Charles Wickham
Richard Webster
Kevin Shea
Gregory Gould

The motion was made by Mr. Plummer and seconded by Mr. Lenhardt to approve the appointment of Supervisors for the Fire Training Ground for 2002 as follows:

Charles Wickham	Richard Webster
Kevin Shea	Gregory Gould.

The motion was passed by the following vote:

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

The following item was to adopt a resolution authorizing membership dues for Town of Bethlehem employees as per the attached lists.

WHEREAS, the Town Board has held an organizational meeting for the year 2002, according to law,

NOW, THEREFORE, BE IT RESOLVED, that the attached list (on file in the Town Clerk's Office) of membership dues for various Town departments are hereby authorized to be paid.

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

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

The next item was to authorize Town Superintendent of Highways, Gregg Sagendorph, to make highway purchases in an amount not to exceed \$10,000.00 without prior approval of the Town Board.

The motion was made by Mr. Plummer and seconded by Mrs. Davis to authorize Highway Superintendent, Gregg Sagendorph, to make highway purchases in an amount not to exceed \$10,000.00 without prior approval of the Town Board.

The motion was passed by the following vote:

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

In accordance with provision of Section 303 Multiple Residence Law, authorize following appointments:

Local Enforcement Officer

Bethlehem Emergency

Management Office Director	John E. Brennan
----------------------------	-----------------

Fire Inspectors

Jason Tice
Robert Lemieux
Edward Costigan
Harlen Metz
Anthony Piccione

The motion was made by Mr. Lenhardt and seconded by Mrs. Davis to

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

approve the foregoing appointments at the titles indicated. The motion was passed by the following vote:

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

The following item was to approve the appointment of the following Board of Review:

Richard Lewis
Robert J. Wiggand
Gilbert Brookins
Marjory O'Brien
Michael Hodom

The motion was made by Mr. Plummer and seconded by Mrs. Davis to approve the foregoing appointments to the Board of Review. The motion was passed by the following vote:

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

The following item was to approve the appointment of the Board of Assessment Review as follows:

Richard Haverly - \$120 per diem
Herbert G. Steele - \$120 per diem
Kenneth S. Ford - \$120 per diem

The motion was made by Mr. Lenhardt and seconded by Mrs. Davis to approve the foregoing appointments to the Board of Assessment Review at the rates indicated. The motion was passed by the following vote:

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

The next item was to set 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 made by Mr. Plummer and seconded by Mr. Lenhardt to approve setting the mileage rate of \$.30 (thirty cents) 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:

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

The next item was to approve petty cash funds for various departments.

The motion was made by Mrs. Davis and seconded by Mr. Plummer to approve the following petty cash funds as listed in the amounts indicated:

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	200.00
Water District No. 1	200.00
Town Justice Department	200.00
Police Department	200.00
Recreation Department Office	150.00
Parks Pool	200.00
Highway Department	200.00
Sanitation Department	200.00
DARE Program	200.00

The motion was passed by the following vote:

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

The motion was made by Mr. Plummer and seconded by Mr. Lenhardt to approve the following designation of Holidays for Town of Bethlehem employees:

Designate Holidays for Town of Bethlehem employees:

2002

January 1, 2002	New Years
January 21	King's Birthday
February 18	President's Day
May 27	Memorial Day
July 4	Independence Day
September 2	Labor Day
October 14	Columbus Day
November 5	Election Day
November 11	Veterans' Day
November 28,29	Thanksgiving Day
December 24	½ day
December 25	Christmas Day

The motion was passed by the following vote:

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

The motion was made by Mr. Plummer and seconded by Mrs. Davis to designate 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.	M and T Bank	Evergreen Bank
Albany, NY	Albany, NY	Glens Falls, NY

J.P. Morgan-Chase
Albany, NY

Charter/One
Albany, NY

Fleet Bank
Albany, NY

The motion was passed by the following vote:

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

Supervisor Fuller next acknowledged receipt of Notice from the Association of Towns regarding their 2002 Annual Meeting in New York City to be held February 17, 18, 19 and 20, 2002.

Designate Delegate and Alternate to the Annual Meeting of the Association of Towns as follows:

Delegate - John Flanigan.

The motion was made by Mr. Lenhardt and seconded by Mrs. Davis to approve the designation of John Flanigan as Delegate to the 2002 Annual Meeting of the Association of Towns meeting in New York City. The motion was passed by the following vote:

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

The next item was to set the Regular Town Board meetings for the 2nd and 4th Wednesdays of each month.

The motion was made by Mr. Plummer and seconded by Mr. Lenhardt to set the regular Town Board meetings for the 2nd and 4th Wednesday of each month. The motion was passed by the following vote:

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

The next item was to set the official hours for business at Town Hall at 8:30 A.M. - 4:30 P.M.

The motion was made by Mr. Plummer and seconded by Mr. Lenhardt to set the official hours for business at Town Hall at 8:30 a.m. to 4:30 p.m. The motion was passed by the following vote:

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

The following item was to designate an Official Newspaper of the Town - THE SPOTLIGHT and also designate the Times Union and Ravena News Herald as additional newspapers for the publication of notices, resolutions and ordinances.

The motion was made by Mrs. Davis and seconded by Mr. Lenhardt to designate The Spotlight as the official newspaper of the Town and also designate the Times Union and Ravena News Herald as additional newspapers for the publication of notices, resolutions and ordinances. The motion was passed by the following vote:

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

Noes: None.

The next item was to authorize the Supervisor to execute the following Leases for 2002:

Water District No. 1 - Town Hall	\$10,300.
Sewer District - Town Hall	\$10,300.
Sewer District - Town Garage, Adams St.	\$20,500.

The motion was made by Mr. Plummer and seconded by Mr. Lenhardt to authorize the Supervisor to execute the following Leases for 2002:

Water District No. 1 – Town Hall	\$10,300
Sewer District – Town Hall	\$10,300
Sewer District – Town Garage, Adams St.	\$20,500.

The motion was passed by the following vote:

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

Noes: None.

The following item was to authorize the Supervisor to execute an Agreement with Callanan Industries for the Firearms Training Site, Quarry for the year 2002 at a cost of \$1.00.

The motion was made by Mr. Marcelle and seconded by Mrs. Davis to authorize the Supervisor to sign an Agreement with Callanan Industries for the Firearms Training Site, Quarry, for the year 2002 at a cost of \$1.00. The motion was passed by the following vote:

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

Noes: None.

The next item was to approve an increase in the fee schedule as established by Town Board for field inspections and Engineering Review as of January 1, 2002, as follows:

Senior Engineer:	\$79.00 per hour straight time and \$118.50 per hour for overtime, weekends and holidays.
Senior Inspector:	\$66.00 per hour straight time and \$132.00 per hour for overtime, weekends and holidays.
Inspector:	\$49.00 per hour straight time and \$73.50 per hour for overtime, weekends and holidays.
Survey Field Crew:	\$99.00 per hour straight time and \$148.50 per hour for overtime, weekends and holidays.

Subdivision Review Fees revised as follows:

1 & 2 lots -	Final Plat \$100 per lot.
3 or more lots -	Final Plat \$100. per lot.

Site Plan Review Fees

A \$100.00 application fee and fees for review and approval on an “as cost incurred basis” by the Town of Bethlehem Engineering Division.

Planned Development Districts

Planned Residence District (Building Project Approval)

Fee for Engineering Review and Approval

1. For any portion of the area comprising the building project that is subdivided into lots for single family or two-family dwellings, the fees shall be as indicated in the Final Plat column for subdivisions. A \$100.00 per lot fee.
2. For any other residential units the fee shall be: \$65.00 per dwelling unit.
3. Notwithstanding the above, the total fee for review and approval shall not exceed \$25,000.
4. For any other use permitted in a P.R.D., the review and approval fee shall be determined by the Town Engineering Division upon request of the Owner.

Planned Commercial District (Building Project Approval)

Fees for review and approval will be billed to the owner/developer on an “as cost incurred basis” by the Town of Bethlehem Engineering Division.

Planned Manufacturing District (Building Project Approval)

Fees for review and approval will be billed to the owner/developer on an “as cost incurred basis” by the Town of Bethlehem Engineering Division.

NOTE: The “as cost incurred basis” is intended only to defray the normal cost accrued by the Town Engineering Division.

Fees

In addition to the above-mentioned fees, are fees required from, or by, agencies other than the Town, as well as fees charged by other Town Departments.

The fee for Preliminary Plat and Final Plat (or Section) review and approval will cover highway, drainage, sanitary sewer and water supply approvals. However, if a proposed subdivision includes special features including, but not limited to heavy highway cuts or fills, excessive highway gradients, drainage detention reservoirs, sewage pumping stations or complex water distribution problems, the fee may be increased by an amount necessary to defray the additional costs to the Town for such review and approval. This additional cost may include the cost of special consultants engaged by the Town to assist in such reviews.

Costs associated with extension to districts to provide necessary services to the project site.

Subdivision, site plan and planned development district review fee will be collected by the Secretary of the Planning Board prior to Planning Board approval.

Service Charges

A service charge of 1.5% per month is proposed for balances due after 30 days, up .05% from previous years to match the current rate used by the Town Highway Department.

The foregoing Fee Schedule increase was approved on a motion made by Mr. Lenhardt and seconded by Mrs. Davis and passed by the following vote:

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

Noes: None.

Supervisor Fuller noted Mr. Michael Cirillo, Engineering Services Administrator, did a fine job of putting this schedule together. She asked if anyone had any questions. Councilman Marcelle said when he was first elected, he met with the Department heads and noted he had a great pleasure in sitting down with Mr. Cirillo who explained this information and process to him. He thanked Mr. Cirillo for his time and the explanation. He also noted he was very happy to see how well run the department is.

The next item was to authorize the Supervisor to execute an agreement with Albany Honor Court Program, Inc. for the year 2002 at \$3,000.00.

The motion was made by Mrs. Davis and seconded by Mr. Plummer to authorize the Supervisor to execute an agreement with Albany Honor Court Program, Inc. for the year 2002 at \$3,000.00. The motion was passed by the following vote:

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

Noes: None.

The next item was to authorize the Supervisor to execute an agreement with Volunteer Center of Albany, Inc. for a Community Services Sentencing Program for the year 2002 at \$3,000.00.

The motion was made by Mrs. Davis and seconded by Mrs. Plummer to authorize the Supervisor to execute an agreement with Volunteer Center of Albany, Inc. for a Community Services Sentencing Program for the year 2002 at \$3,000.00. The motion was passed by the following vote:

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

Noes: None.

The next item was to adopt a Resolution for facsimile signature for 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 files 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. Plummer, was seconded by Mr. Lenhardt and was duly adopted by the following vote:

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

Noes: None.

Absent: None.

The next item was to approval 25 cents 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 made by Mr. Plummer and seconded by Mr. Lenhardt to approve the amount of \$.25 (25 cents) 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. Lenhardt, Mrs. Davis, Mr. Plummer, Mr. Marcelle.

Noes: None.

The following item was 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 2002.

The motion was made by Mrs. Davis and seconded by Mr. Marcelle 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 2002. The motion was passed by the following vote:

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

Noes: None.

The next item was to authorize the Supervisor to execute the Advanced Life Support Agreement for the year 2002.

The motion was made by Mr. Lenhardt and seconded by Mrs. Davis to authorize the Supervisor to executive the Advanced Life Support Agreement for the year 2002. The motion was passed by the following vote:

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

Noes: None.

Supervisor Fuller noted this ended the Organizational Agenda and proceed with the regular meeting agenda. She noted the public hearings cannot be started until 9:00 p.m. She also mentioned Mr. Secor would probably fill in the additional time.

The next item was a request from Chief of Police, Richard LaChappelle, for approval of transfer of funds from insurance recovery account to collision repairs.

The motion was made by Mrs. Davis and seconded by Mr. Plummer to approve the transfer of funds in the amount of \$990.40 from the insurance recovery account to the collision repairs account for payment of damages to police vehicle 714 as requested by Chief of Police, Richard LaChappelle. The motion was passed by the following vote:

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

Noes: None.

The next item was a request from Richard LaChappelle, Chief of Police, for acceptance of resignation of Telecommunicator effective December 6, 2001.

The motion was made by Mr. Lenhardt and seconded by Mr. Plummer to accept with regret the resignation of Telecommunicator, Karen Thompson, effective December 6, 2001 as requested by Richard LaChappelle, Chief of Police. The motion was passed by the following vote:

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

Noes: None.

The following item was a request from Chief of Police, Richard LaChappelle, for approval of appointment of Detective, effective January 12, 2002 at an annual salary of \$48,741.

The motion was made by Mr. Lenhardt and seconded by Mrs. Davis to approve the appointment of Police Officer Vincent Rinaldi to the position of Detective effective January 12, 2002 as requested by Chief of Police, Richard LaChappelle, at an annual salary of \$48,741. The motion was passed by the following vote:

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

Noes: None.

- - -

Supervisor Fuller said Officer Rinaldi has been with the Department for 16 years.

The next item was a request from Richard LaChappelle, Chief of Police, for approval of appointment of Detective, effective January 12, 2002 at an annual salary of \$48,741.

The motion was made by Mrs. Davis and seconded by Mr. Lenhardt to approve the appointment of Police Officer Bruce Oliver to the position of Detective, effective January 12, 2002 at an annual salary of \$48,741 as requested by Chief of Police, Richard LaChappelle. The motion was passed by the following

vote:

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

- - -

Supervisor Fuller noted Officer Oliver has been a 15 year member of the Department. Councilman Davis noted for the audience that Vince and Bruce will continue to be involved with school resource positions. The Supervisor said Officer Rinaldi will continue at the high school and Officer Oliver will continue at the middle school.

The following item was a request from Chief of Police, Richard LaChappelle, for approval of appointment of Police Officer at an annual salary of \$34,263 effective January 12, 2002.

Supervisor Fuller noted Mr. Berben, after a week of orientation, will be assigned to the Zone 5 law enforcement training center on January 21, 2002 until his graduation in July. Following this, Supervisor Fuller said, he will be assigned to the Patrol Division.

The motion was made by Mr. Plummer and seconded by Mr. Lenhardt to approve the appointment of Michael Berben, Glenmont, NY to the position of Police Officer, effective January 12, 2002, at an annual salary of \$34,263 as requested by Chief of Police, Richard LaChappelle. The motion was passed by the following vote:

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

The next item was a request from Richard LaChappelle, Chief of Police, for approval of appointment of Police Officer at an annual salary of \$34,263 effective January 12, 2002.

Supervisor Fuller said the appointment if Michael Whitely of Delmar and added that he also will be assigned to the Zone 5 law enforcement training center until his graduation in July after which he will be assigned to the patrol division.

The motion was made by Mr. Lenhardt and seconded by Mrs. Davis to approve the appointment of Michael Whiteley, Delmar, NY to the position of Police Officer, effective January 12, 2002 at an annual salary of \$34,263, as requested by Chief of Police, Richard LaChappelle. The motion was passed by the following vote:

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

The next item was a request from Chief of Police, Richard LaChappelle, for acceptance of resignation Telecommunicator effective January 25, 2002. Supervisor Fuller noted Mr. Campbell was leaving to become a Deputy Sheriff.

The motion was made by Mr. Plummer and seconded by Mr. Lenhardt to accept with regret the resignation of James Campbell, Selkirk, NY as Telecommunicator effective January 25, 2002 as requested by Chief of Police, Richard LaChappelle. The motion was passed by the following vote:

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

Noes: None.

The following item was to accept renewal of Trailer Camp Permits for the year 2002. Supervisor Fuller said this was for Shady Grove East located on Route 9W, Shady Grove West on Route 9W and Breckenridge Village, Old Town Road, Selkirk.

The motion was made by Mrs. Lenhardt and seconded by Mr. Plummer to approve the renewals of Trailer Camp Permits for the year 2002 for Shady Grove East, Route 9W, Selkirk; Shady Grove West, Route 9W, Selkirk; and Breckenridge Village, Old Town Road, Selkirk. The motion was passed by the following vote:

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

The following item was a request from Nan Lanahan, Administrator, Parks & Recreation Dept., for approval of seasonal personnel.

The motion was made by Mr. Plummer and seconded by Mr. Lenhardt to approve the appointment of seasonal personnel as requested by Nan Lanahan, Administrator, Parks and Recreation Department at the titles and salaries listed in her Memorandum dated January 3, 2002. The motion was passed by the following vote:

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

The next item was a request from Engineering Services Administrator, Michael Cirillo, for approval of reduction in bonding for Woodhill Subdivision, Phase 4.

The motion was made by Mrs. Davis and seconded by Mr. Lenhardt to approve the reduction in bonding to a new amount of \$8,000 in the Escrow Account for Woodhill Subdivision, Phase 4, as requested by Engineering Services Administrator, Michael Cirillo. The motion was passed by the following vote:

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

The next item was a request from Michael Cirillo, Engineering Services Administrator, for approval of reduction in bonding for Trinity Manor Subdivision.

The motion was made by Mr. Lenhardt and seconded by Mr. Plummer to approve reduction in bonding by release of Letter of Credit in the amount of \$24,000 and release of \$18,508.83 in the Escrow Account for Trinity Manor Subdivision, with the Letter of Credit in the amount of \$59,000 remaining in force, as requested by Michael Cirillo, Engineering Services Administrator. The motion was passed by the following vote:

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

The next item was a request from Michael Cirillo, Engineering Services Administrator, for approval of release of bonding for Krumkill Manor, Extension 1.

The motion was made by Mr. Lenhardt and seconded by Mr. Plummer to approve the release of bonding in the form of an Escrow Account in the amount of \$43,497.31 for Krumkill Manor, Extension 1 as requested by Michael Cirillo, Engineering Services Administrator. The motion was passed by the following vote:

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

The following item was a request from Engineering Services Administrator, Michael Cirillo, for approval of bond release for Cedar Ridge Subdivision, Phase 4.

The motion was made by Mr. Lenhardt and seconded by Mrs. Davis to approve the release of bonding in the form of a Letter of Credit in the amount of \$41,000 for Cedar Ridge Subdivision, Phase 4, as requested by Michael Cirillo, Engineering Services Administrator. The motion was passed by the following vote:

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

The next item was a request from Michael Cirillo, Engineering Services Administrator, for approval of release of bonding for Cedar Ridge Subdivision, Phase 3.

The motion was made by Mr. Lenhardt and seconded by Mrs. Davis to approve the release of bonding in the form of an Escrow Account in the amount of \$35,147.16 for Cedar Ridge Subdivision, Phase 3 as requested by Michael Cirillo, Engineering Services Administrator. The motion was passed by the following vote:

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

The following item was a request from Engineering Services Administrator, Michael Cirillo, for approval of release of bonding for Cherryvale Subdivision, Phases 1 and 2.

The motion was made by Mr. Lenhardt and seconded by Mrs. Davis to approve the bond release in the form of a letters of credit in the amount of \$57,550 and \$38,000 for Cherryvale Subdivision, Phases 1 and 2 as requested by Michael Cirillo, Engineering Services Administrator. The motion was passed by the following vote:

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

The following item was a request from Engineering Services Administrator, Michael Cirillo, for approval of bond reduction for Haswell Farms, Phases 1-5.

The motion was made by Mr. Lenhardt and seconded by Mrs. Davis to approve the release of bonding as listed in the Memorandum from Michael Cirillo, Engineering Services Administrator, dated January 3, 2002 for the Haswell Farms Subdivision. The motion was passed by the following vote:

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

The next item was a request from Michael Cirillo, Engineering Services Administrator, for approval of release of bonding for Clearview Subdivision.

The motion was made by Mr. Lenhardt and seconded by Mrs. Davis to approve the release of bonding in the form of a letter of credit in the amount of \$12,000 for the Clearview Subdivision as requested by Michael Cirillo, Engineering Services Administrator. The motion was passed by the following vote:

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

The next item was a request from Engineering Services Administrator, Michael Cirillo, for acceptance of deed for Dowerskill Village, PRD 4, Section 3, Phase 3W.

The motion was made by Mr. Lenhardt and seconded by Mrs. Davis to accept a deed for Dowerskill Village PRD 4, Section 3, Phase 3W from Charlew Construction Company, Inc., Schenectady, NY as requested by Michael Cirillo, Engineering Services Administrator. The motion was passed by the following vote:

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

The next item was a request from Michael Cirillo, Engineering Services Administrator, for approval to submit a New York State Archives Local Government Records Management Improvement Fund grant application for GIS needs assessment, conceptual system design and implementation plan.

The motion was made by Mrs. Davis and seconded by Mr. Lenhardt to approve submitting a grant application to the New York State Archives Local Government Records Management Improvement Fund for GIS needs assessment, conceptual system design and implementation plan, as requested by Michael Cirillo, Engineering Services Administrator. The motion was passed by the following vote:

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

- - -

Supervisor Fuller thanked Mr. Cirillo for doing this effort to get this process underway. Councilman Marcelle said this was one special things that were discussed which will computerize virtually everything in the Town and bring us up to speed with the technology. He said he was very impressed with the presentation and he thanked Mr. Cirillo for submitting the grant. Mr. Cirillo noted it will give them a good planning tool in order to get into GIS.

The next item was to acknowledge receipt of the Final Plat for Southwood, Extension 5, Subdivision from the Planning Board for information purposes.

The next item was to approve the Town Board minutes of November 14, November 28, December 12, December 31, 2001.

The motion was made by Mr. Lenhardt and seconded by Mr. Plummer to approve the Town Board minutes of November 14, 2001 as submitted. The motion was passed by the following vote:

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

- - -

The motion was made by Mr. Lenhardt and seconded by Mr. Plummer to approve the Town Board minutes of November 28, 2001 as submitted. The motion was passed by the following vote:

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

- - -

The motion was made by Mr. Lenhardt and seconded by Mr. Plummer to approve the Town Board minutes of December 31, 2001 as submitted. The motion was passed by the following vote:

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

- - -

Supervisor Fuller noted the December 12, 2001 minutes will be reviewed due to a question raised.

Supervisor Fuller noted the next item was an update on the water situation in Town. Mr. Secor said he tried to prepare something to get out on Friday but he was unable to accomplish that due to the amount of work to get the updated information. He said back in November he prepared a Memorandum to the Board based on the reservoir levels at Vly Creek and went over some information. He said he would quickly go over that and then discuss the current status.

Mr. Secor said the New York State Health Department required the Town to start putting in forms every month back last year and in November when it came before the Board, he notified the Board that the reservoir level had fallen less than 7 percent of the average seasonal level. He said according to the reservoir plan at that time we were in a state of alert. He said unfortunately the reservoir level has continued to go down and we are now past through the level of alert to the level of warning and as of this past Tuesday, we are now in a level of emergency.

Mr. Secor passed out some information and proceeded to ask for some action based on this current information. He said basically back in November the information passed out included a graph of the reservoir levels and what that meant and also some excerpts from the Water Emergency Plan. He said tonight he has to inform the Board that the reservoir level has now fallen below 60 percent of the average seasonal level and although there is still over 120 days of water left in the reservoir, there is a need to begin to take some actions.

At the November meeting, Mr. Secor, said some alternatives were discussed, as far as, looking for alternative supplies and also reducing demand. He said they sent notices out to the large users and contacted them to try and cut back whatever water use they could. He said this time of year there really is not a lot of non-essential water use going on and we are going to have to continue to work at that to work on the conservation side. Another issue discussed in November was the purchasing of supplemental water from the City of Albany. He said they have looked at the opportunity of buying some water from the Town of Guilderland who

takes their primary supply from the Watervliet reservoir. The decision back in November was that since Guilderland adds fluoride to their water, while neither Albany nor Bethlehem do, Mr. Secor said there would not be an approach to Guilderland until the supply for supplemental water was not available to the Town from Albany. Mr. Secor said Albany requested that the Town submit monthly requests for water purchase and we did and asked for 1.2 million gallons a day in November which they granted. He said they asked for that to be increased to 2.5 million gallons a day for the month of January noting there is a copy in the packet given to the Board where the City has said for their own reasons, they cannot grant that request and will limit the Town to the 1.2 million gallons for the month of January.

Mr. Secor said the problem with that is is 2 fold, first the system needs are about 5.3 million gallons a day at this time of year. He said as the reservoir level falls the available hydraulic head into the water plant decreases, so the ability to produce water in our own plant, falls off as the reservoir level gets this low. He said the reservoir was built back in the 60s and it has never been this low before. He said this is the first time since the reservoir was constructed that we have ever been at this low an elevation. He said this is a very abnormal situation that we are into between the drought last year and even though we got some snow, until that melts and starts to run off, we really are in a situation where we have to look at some additional measures.

Mr. Secor said in November it was decided that there would not be a discussion of purchasing from Guilderland unless Albany could not meet our needs. He said we are at that point. He said the numbers add up this way – we need about 5.3, we can produce about 2.3 from our own plant, possibly 200,000 or .2 more from the New Salem wells so that gives a total production of about 2.5 from our own sources in New Salem. He said that means we have to get 2.8 million gallons from some place else. He said the Clapper Road plant which supplies the industrial area is only doing about .8 million gallons a day right now because of low river levels and the colder water temperatures. He said they have seen this every year with that plant that in the winter time that as the water gets colder, it gets more dense and it does not pass through the groundwater infiltration system as quickly as it does in the summer.

Mr. Secor said if you take the 2.8 million that we need and you take away the .8 that we can get from Clapper, we are still 2 million gallons short of meeting our requirements. He said if Albany produces or allows us to purchase 1.2 million gallons, that means we have an unmet deficit of 800,000 gallons a day or .8 mgd. The action he asked from the Board would be to authorize going to the Town of Guilderland and asking to purchase that .8 mgd. He said there is an existing interconnection with Guilderland, 2 interconnections with Albany and could purchase that from the Town of Guilderland. He said the Town of Guilderland has a minimum take or pay of 4 million gallons a day from the Watervliet reservoir. He said they are only using about 3 million gallons a day right now themselves. He said they have the ability to produce us additional water and sell it to us from their existing supply. He noted as was stated back in November, the Watervliet reservoir which is in the middle of the Town of Guilderland has a catchment area of over 112 square miles. He said the Alcove reservoir has a catchment area of about 32 square miles. He said the Vly Creek reservoir has a catchment area of about 7 and ½ square miles.

Mr. Secor said if we have a wet spring, the whole problem goes away. He said if there is a mild spring, we probably have this problem lingering through next summer. He said if the drought continues, we have real trouble. He said beyond buying from Guilderland, Guilderland can meet our needs for the next couple of months. Once we get into May and June, according to Mr. Secor, Guilderland will be back in a situation of probably needing that water for themselves. He said then we will have to look at other measures.

Mr. Secor said the first step tonight was to acknowledge that we have a problem. He said a problem that may go away with heavy rains in the spring. On paper, Mr. Secor said, we have over 12 million gallons a day of water available to us in our water supply permits. We have over 4 million gallons a day from Vly Creek reservoir, water supply permit for 2 million gallons a day for the City of Albany which allows us to purchase up to that amount and we also have a water supply permit of 6 million gallons a day for the Clapper Road plant. The base problem here is that the Clapper Road plant simply has not been able to produce what it had been intended to produce. The litigants are down there working, according to Mr. Secor, and have drilled a test well and they are in the process of trying to follow through on the settlement agreement of developing that supply and guaranteeing to us for 13 years plus that it will supply 6 million gallons a day. He said he would ask Town Attorney Alessi to embellish this but it is his best guess that that water would not be approved, as far as, a planning tool, constructed and turned into service probably until much later this year. He said he does not think that water will be available to us in the short term. He said those are some longer term looks at things.

Mr. Secor said the first action he would ask is that the Town Board actually declare an emergency to authorize the purchases from Guilderland. He said according to the Emergency Action Plan, there has to be designation of a Drought Emergency Coordinator. He said he would ask that the Town Board authorize himself and his Deputy, Mike Cirillo, to act in my stead if I am not available. He said they need to notify the Department of Health and the Department of Environmental Conservation which he said he has already done. He said they are going to put out a special notice to all customers which will be included in the January billing and noted they bill 1/3 of the customers in January, 1/3 in February and March, indicating the notice will be in with the bills and do a special mailing to the other 2/3s of the customers. He said there are about 10,000 customers so the mailing is about \$3,000, noting there is a discounted rate on the postage. He said they will go ahead and get the letters out to notify everybody.

Mr. Secor said in the November memorandum there was mention of notifying the Building Department and ask them to prohibit installation of new irrigation systems and he would ask the Board to include that. He said he thinks they have to look toward next summer and we do not need to make the problem any more difficult than it is. He said they are sure they will hear from the Health Department and DEC. He said we are looking to them for help. He said they have explored with them the possibility of pumping water from either Warner's Lake or Thompson's Lake and it appears not to be a very viable option. He said there are 5 or 6 miles of pipeline involved, right-of-way problems and noted the biggest problem is getting permission to basically take a large volume of water out of one of those lakes and transfer it into our reservoir. He said he was told 25 or 30 years ago, the Village of Altamont ran out of water and pumped water out of Thompson's Lake into their reservoir. He said he had not been able to find anybody in this area that has done anything like that in the recent past. He was told that Schoharie County had recently done some emergency pumping from one place to another but he has been unable to track down the details on that. He said they have talked to the Albany County Emergency Manager, noting he gave a copy of the letter that went to them to put them on notice and to talk to them about the ability of pipelines or pumps that we may need if this goes to the next stage which would be from an emergency to a disaster. He said he is hoping we never see that but, again, they are just looking ahead and seeing where we are.

Councilman Lenhardt commented that he found it rather odd that a number of years ago he sat on the Board during a public hearing and a then member of the Albany Water Board approached the Board and told them they really did not need to look into building of a supplemental supply for our needs because the City of Albany could provide all of the needs that we had and now they are denying us a request for additional water. He said he finds that rather odd. Mr. Secor said he has submitted the letters in writing to Albany and they have responded and their comment was due to their own circumstances that they could only approve of 1.2

million gallons for this month. He said that is just a fact that has to be dealt with. Councilman Lenhardt said that the exploration was not in vain. Mr. Secor said it was not and it was unfortunate that the new plant is not producing anywhere near the water it should because that would take care of the industrial area. He said the industrial area basically consumes 3 to 3.5 million gallons a day. He said the rest of the Town does about 3 million gallons a day. He said it is almost a 50/50 share. He said if he could take care of the industrial side then between purchases from Albany, water from Guilderland and water from our own Vly Creek reservoir, we could easily take care of the residential side. He said a year from now the picture will change dramatically indicating the new plant is up and running taking care of the industrial side and the residential side can be looked at differently. He said based on the letter from Albany, we had a letter back in July 2001 saying that they felt they had up to 4 million gallons a day that they could supply to the Town. He said they submitted a contract proposal in August to Albany for the full 2 million gallons a day which would be allowed under the existing water supply permit and so far there has not been any forward motion on those negotiations.

Town Attorney Alessi asked Mr. Secor if he was aware of anyone other than the Town of Bethlehem that the City of Albany has said that they will supply less than what is authorized under a water supply permit. He asked if we are the only municipality or the customer the City of Albany where we have been told that we could not receive that which is authorized under the water supply permit. Mr. Secor said to the best of his knowledge, he answered no. He said Guilderland has a water supply permit for 2 million gallons a day... Mr. Alessi asked the best of his knowledge no meant what. Mr. Secor said they have not turned anyone else down that he is aware of. He said the information he got at the Tuesday meeting at the plant was that Albany had been in contact with the Village of Ravenna because they discharge water from Alcove reservoir down to feed the Ravenna water plant and they had asked Ravenna whether or not they could cut back on that discharge because it is basically anything Ravenna does not use goes out into the Hudson River. He said with discussions with Guilderland, at this time of year, Guilderland even though they have a contract for 2 million gallons a day, they do not need the water so they are not purchasing much water other than just to exercise the pumps and make sure everything is up and running. He said they are basically producing their own water at this time. He said no, he is not aware of anyone else that they have said no to.

Councilman Davis said she is assuming that if this shortage of water continues, that Guilderland's supply will also diminish. Mr. Secor said he does not think that is an assumption you can make. He said because the Watervliet reservoir has 112 square mile water shed, they fill up every year. He said they fill up and overflow to the point that they built the generation facility downstream from it. He said there is every likelihood, although he is not aware that there is any year when the Watervliet reservoir has not filled up. He said the Watervliet reservoir has a rated safe yield of about 12 or 12 ½ million gallons a day. He said we have been approached by the City of Watervliet to see if we would be interested in purchasing water from them. He said he had a meeting scheduled for January 10, 2002 to discuss what kind of option they are talking about. He said the City of Watervliet sells water to the Town of Guilderland. He said they own the reservoir and have a pipeline 8 or 9 miles long that goes from the reservoir to the City of Watervliet. He said the City's water plant is actually in the Town of Colonie. He said the City of Albany's water supply is in the Town of Coeymans and their purification plant is actually in the Town of Bethlehem and the pipeline runs all the way across our Town into the City. He said there are 2 interconnections with the City of Albany. He said the Town of Bethlehem supply is in the Town of New Scotland and our water plant is in the Town of New Scotland. So, he said you have to have a map to figure out the players here.

Councilman Davis said they have seen and Mr. Lenhardt and Mr. Alessi has referred to the history that we have had with Albany and agreements are broken. She asked what kind of agreement we have with Guilderland that would enable the Town Board to feel a little bit more secure that that supply, if the Town pursues it,

will be there for as long as we need it. Mr. Secor said there are 2 things. He said first he would be hesitant to say that Albany has broken an agreement. He said Albany's contract is for 600,000 gallons a day and we have asked for water in addition to that up to the maximum amount, 2 million gallons a day and really beyond that. He said he does not want to be wrong in that.

Councilman Davis said maybe her language was a little too strong. Mr. Secor said but as far as Guilderland, the interconnection with Guilderland was established 15 years ago as an emergency interconnection because at that time, Guilderland's water systems were separated and they had an area that they could not serve in an emergency. He said all of North Bethlehem was fed by a single 12 inch water main that goes up along Blessing Road. He said it was a facility that was advantageous to both Towns so that if we had a water main break in North Bethlehem, we could serve it from Guilderland. He said there is no agreement with Guilderland for a water supply. He said there is an agreement with Guilderland for emergency water supply. He said that is why he needs the declaration from the Board to skip to the state of emergency and then we can authorize that. He said we do have a signed agreement with Guilderland and it establishes a price and we can purchase water but it is on an emergency only basis.

Councilman Davis asked if this emergency is long term, further asking Mr. Secor if he is comfortable that that supply will be there. Mr. Secor said he did not because Guilderland will have their own problems next summer. Councilman Davis said that was her question.

Councilman Marcelle said according to his figures, we are running approximately 800,000 gallons a day short of what we need and Guilderland can provide us a million gallons a day more or less. Mr. Secor said they can basically meet that 800,000. Mr. Marcelle asked if we purchase excess from Guilderland is there any place where we could store the excess or use the excess. Mr. Secor said we would not be storing the water. If we purchase more from somebody else, Mr. Secor said, that is less we take out of the reservoir to produce. He said we are actually leaving water in the reservoir. He said basically the answer is yes, noting the problem is the interconnection was set up only as an emergency area and it really is not capable of much more than about a million gallons a day, hydraulically you cannot get that much more water through it. And, he said he does not think Guilderland is in a position to do a lot more than that. He said again, the Town Supervisor of Guilderland is going to be looking for a call from the Town Supervisor here and we will work it that way. He said we do have an existing piping pump station, meters, everything is there. We have an existing agreement, it is just a matter of turning it on, Mr. Secor said. He said it is not a water supply. Councilman Marcelle asked if it maxes out at a million gallons a day. Mr. Secor said this was correct.

Town Attorney Alessi said he was not sure he heard the answer to Mr. Marcelle's question which was assume we get a million gallons a day from Guilderland and assume we only need to use only 800,000 of that, is there a place where we can store the delta of 200,000 or will we just run the million, use it all, use everything we have got and therefore the storage will actually come from what we do not use from the reservoir. He asked if that was the latter. Mr. Secor said that is the latter, the second part of that. He said basically we would produce less in our own plant. He said there is really very limited storage in the system. He said the tanks are full and they float on line. He said it is really limited. He said the basic storage we have is that there is a 4 million gallon tank at the end of the Delmar By-pass which is emergency pump storage and there is a 6 million gallon tank out along Route 85 which is our balancing tank for the whole system. He said there is a 3 million gallon standpipe on Elm Avenue but it is just system storage.

Councilman Marcelle said his next question was regarding the water that we received from Guilderland and whether it would be for residential or industrial or is there any way to tell. Mr. Secor said it would come through the residential area. He said right now, since the Clapper Road plant is not producing enough water to

satisfy the industrial area, there is basically a one way valve on Creble Road. So, he said the water comes up from the Clapper Road plant to GE and Selkirk Cogen. Since we are only producing .8 and they are using about 2.5 or 3, the other 2 million come in the other direction, Mr. Secor said, and it is through a one way valve. He said as we buy this water it is for the residential area but some portion is going to have to be dedicated to solve the industrial side. Mr. Marcelle said the reason he asked is because there is fluoride in the Guilderland water. He said he saw that in the information from Mr. Secor. He said his understanding is that many children in this area take fluoride supplements for their teeth and if there is fluoride in the water and you take fluoride supplements, there can be adverse dental consequences. Mr. Secor said that was discussed in November and he said they will put a notice out and ask those people who are taking fluoride supplements or there are some rare cases with people with either liver ailments or other ailments where fluoride is a problem for them. Mr. Marcelle said that was what he was going to ask – if there was going to be notification. Mr. Secor said they would notify, noting it would be in the letter, and the notices would go out to have people check with their family physician, the dentist, the pediatrician, whatever, to discuss this issue. He said he believes that that fluoride from the Town of Guilderland is about 1 part per million and he was not sure what the maximum dosage was but that is what they put in the water. He said they would do that notice and that was something that came out of Albany County Health Department, was that they wanted to make sure that that notice occurs. He said one of the reasons the Board put off any purchases was because we would rather purchase the water from Albany because there was no complications rather than this but now this will be dealt with.

Councilman Lenhardt noted that was difficult to control. He said that 1 part per million would be stronger at the source point and as it travels through the system, would be diluted. He asked how does a family know when to stop their supplements or reduce them. Mr. Secor said the explanation that he got was that there is a range of prescription that some doctors, physicians or dentists would prescribe at a higher level than others for different children. He said it would be up to the physician. He said they will notify them that they could be receiving up to 1 part per million in the drinking water and they will have to try and make the adjustments from there. Mr. Secor said the water is going to be co-mingled and as it mingles down through the system, some areas are going to have a diluted portion of that 1 part per million.

Supervisor Fuller asked if there was a possibility of going back to the Albany Water Board rather than have the residents having to deal with the fluoride issue. She said she thinks it is unfair for the community to have to resort to this when this community already has spoken out against the fluoride. She asked if there was any hope of heading back to Albany and if there is not, what are the other options because frankly, she said the fluoridated water coming from Guilderland is not something she can support. She noted she was the one who mentioned it in November and she has not changed. Town Attorney Alessi said that it has been said that Guilderland is not going to be a source of supply come spring. He said we are going to lose the bare amount, we are going to go day-by-day and therefore, it seems to him that the Town has to look very hard at something other than Guilderland now because very shortly it is not going to be a source. He said we are going to be back to a deficit and does that then mean that we should be looking at alternatives because if there is an alternative that we have to look at anyway, why go through all of this for the fluoride and the notices when it is that fluoride issue will go away in 2 or 3 months and we are going to be back having to have another solution be part of it assuming there is no rainfall sufficient or runoff sufficient to address this problem. He said he would add to that that fact in terms of what other alternatives are there right now.

Mr. Secor said in the Memorandum he said there are 2 phases to the answer to the question. He said first we are right now short about 800,000 gallons a day in production. He said that is going to become a cumulative problem. He said they have tried to increase production at the Clapper Road plant and at our own plant to meet that need so the tank levels do not fall. He said putting off the decision of

purchasing from Guilderland for 20 or 30 days we run the risk of running the tanks down. He said then we would have a risk of losing fire protection and I do not think we can do that. He said the other side of the equation is drastically cutting demand. He said that means cutting some users loose. He said the only user that we have a contract with is Selkirk Cogen that has a force major or a closure clause in it. Again, he said he discussed this with Mr. Alessi and under that force major he thinks it is a 96 hour notice that has to be given that we are pumping from emergency supplies. He said Selkirk Cogen uses over 2 million gallons a day and we would have to request that they stop making electricity. He said this is a bad time of year to try and do that. He said phase I of Selkirk Cogen, it is his understanding, feeds the GE Selkirk plant with both steam and electricity. He said even the thought of shutting down phase I and phase II of Selkirk Cogen is something that he thinks we have to avoid.

Mr. Secor said going further down the list of options, the most obvious is to increase production at the Clapper Road plant. He said the Clapper Road facility was set up and designated or separated from the system so that it was dedicated to the industrial area. He said since the system came on line in 1996, we have had 6 users on Clapper Road and 14 users on Creble Road and 4 on Old School Road that just signed up. He said there are 20 residential properties including the Town Clerk who are hooked up to that system. He said the only way he knows of to rapidly increase the plant from the less than a million it is doing now up to the 2.5 to 3 million it needs to do is to go to the DEC to ask for an emergency connection or put an emergency connection directly to the Hudson River. If we were to do that, Mr. Secor said, he would suggest and this is based on conversations with the Town Supervisor and Mr. Alessi, that there be 3 or 4 steps in that program. He said that the complete package would be – the water purification plant was originally designed to treat surface water. He said it is a surface water treatment plant and it was originally pilot tested to use direct intake from the river. He said since the river itself is a “c” classification river, we are not allowed to direct intake. He said the river changes from “c” classification to “a” classification just about at the county line. He said it is 5 or 6 miles south of us and because of that the Town went to the groundwater infiltration system to filter the water through the sand and gravel aquifer. He said that has not worked indicating the design that was presented and relied on has not worked and they are in the process of replacing that. He said the plant itself was setup to treat surface water. He said we could pump the water, noting there are 4 pumping stations down on Schermerhorn Island – the most northerly one not being used. He said there are valves in that pumping station that could be closed and valve turned off from the rest of the infiltration gallery. He said river water directly into that pump station, pump it up to the water purification plant, purify it and send it on to industry. He said they would issue a boil water notice for both industry and the 20 residences on Clapper and Creble Roads and again, based on the conversations is also offered them bottled water — actually go out and get a contract supply of bottled water to offer everyone because the Board had made a commitment that no one would be forced to drink the Hudson River water. The infiltration water is proven to be very safe, according to Mr. Secor, meeting all standards. He said he thinks the plant will come up to speed and do that also. He said the iron and manganese problems will go away and they will be able to treat the water successfully. He said they need to develop a track record in that even though they did the pilot plant testing on everything, they need to look at that with the colder water temperatures and make sure the plant can do that so that there would be no risk to the public we could then issue the boiled water notice, provide the bottled water and do that. He said there are 20 residential users and 6 industrial users – Verstanding’s greenhouse, there is a car carrier and then the 2 big ones are Selkirk Cogen and General Electric. He said they would also be notified that there is a boil water notice in effect. He said then they would supply the entire industrial need from the Clapper Road plant as it was originally intended to do and then all the water that would be purchased from Albany and produce ourselves will take care of the residential side and then we would not have to buy from Guilderland. He said we could actually make it through if we got a temporary water supply permit for the next 8 months or 10 months, get through the summer, take care of that by then the new wells and the guarantee that we have from

Earthtech would hopefully come on the line and we would then be able to take the plant back to the groundwater infiltration on the new wells and this whole thing goes away. Once we get the 6 million gallons back from the plant, Mr. Secor said, we are fine. He said the 4 million from our own sources whether it is 2 million from Albany or whatever and we may have to eventually look long term for additional supplies for the residential side whether that is expansion. He said the original Vly Creek reservoir was built with the reservoir in stages 1, 2 and 3. He said only stage 3 was ever developed, that is the state street diversion which is up near Helderberg Lake. He said stages 1 and 2 were never felt to be economically viable. He said that decision which was made back in the '60s needs to be revisited and that was part of the program outlined to the Board in the budget presentation that they would go back, issue an RFP and that one of the areas being looked into is water supply and compare some things. He said one of the areas of the diversion was downstream from a feed lot where there was a lot of animal droppings and the water quality was so poor, it could not be used. He said as long as that farming operation is there, they probably cannot use that one catchment area. Mr. Secor said there are other catchment areas that could be looked at or they could look at a pipeline from the Watervliet reservoir to move water directly to our reservoir and run it through the plant and we could easily increase the flow through the plant along with the transmission and storage improvements that he outlined in the budget message. He said there are some longer term looks, as far as, the community.

Mr. Secor said we have served the community properly and done the due diligence, as far as, engineer's map, plan and reports, public hearings on paper. We have also got 12 million gallons a day available, according to Mr. Secor, unfortunately that 12 million has dried up. He said it is time that we need to go back and review those things, review really what those safe yields mean and where the resources are so that we can meet the needs of the community. He said the original report to the Town Board was presented in 1990. He said after the City of Albany cancelled the water supply contract in 1990, we started to look at things and the engineers report said that in their opinion, the City of Albany could not be the long term supplier for the Town of Bethlehem. He said they reported we needed 6 million gallons expandable to 12 to meet our future needs. He said at that point, whether there was 6 million available from Albany or not, he did not know and he did not want to get into that. He said Albany has written the Town a letter, copy distributed that was dated July last year, saying that they thought they had 4 million available to us. He said they now say that it is only 1.2 that is available.

Councilman Plummer interrupted Mr. Secor noting that they said that because they have the same situation. He said they have a low flow right now. He said when he talked to Commissioner Cross last week, he said specifically the reason that 1.2 is being offered now is because they also have a demand problem. He said he is not opposed, Mr. Plummer said he told him, to selling the Town more water it is just that right now, their capacity level is the lowest that it has been as well. He said it is not as bad as the Town's. He said once that is replenished he thinks that we can go back to the City of Albany. He said he thought the Town could go back now and explain the situation in hopes that we can negotiate some more. But, Mr. Plummer said he does not think they are wedded to the 1.2. He said he was told that point blank. He said he thinks there is a clarification there.

Mr. Secor said, again, long term, the problem is long term a water supply permit is supposed to be like a marriage license. He said you are wedded to that. He said unless you are divorced you are wedded to that. Councilman Plummer said our contract calls for 600,000 gallons per day. Mr. Secor said he understands that but when someone says they cannot, for whatever reason, supply what is allowed for in the water supply permit it is awkward because in the good years when it is wet, everybody has plenty of water. The water supply permits are there and intended to protect just the situation that we are in right now, according to Mr. Secor. He said that is what makes it awkward.

Councilman Plummer said he does not understand why would the Town, if there is a water supply permit for 2 million gallons per day, why would we not have negotiated a contract for that amount. Mr. Secor said we did. He said we presented the City of Albany with a contract for 2 million gallons a day last August and they have not responded to that. Mr. Plummer said he is talking prior to that. Mr. Secor said prior to that because the needs were not there, they negotiated a contract based on what the projected needs were for the term of the contract. He said prior to 1990, the Town purchased water from Albany under the water supply contract that we had up to the 2 million gallons a day. He said when Albany cancelled the contract in 1990, the Town actually for a couple years almost did not buy any water from the City. He said when the new plant first came on line, and the combination of residential use and industrial use was within our means, we bought very limited water from the City. He said it has only been since the Clapper Road plant has continued to loose productive capacity that we have been forced to go to the City for more water. So, Mr. Secor said, 1997 or whatever it was when the contract was negotiated with the City of Albany, it was based on a recognition of the minimum needs the Town had for certain time periods. He said it turned out we needed a lot more water than that because instead of the plant being repaired and brought back up on line, the litigation did not come to a conclusion or did not come to a successful fix as quickly as he anticipated.

Councilman Davis said if the Board were to approve the recommendation just made relating directly to the industrial area and supplying the industrial area with water from the river, several questions. One, how long would that take? She said we are talking emergency situation, how long would that take? Mr. Secor said let him answer as she gets to them. He said in talking to the Department of Environmental Conservation, the regional water engineer in the region office, they would require that we would submit a water supply application for an emergency taking and go through the normal regulatory review process which they would try to expedite. He said we could ask for an emergency action. If they were to grant an emergency action, it would be 30 days with only one 30 day renewal available to us. He said they could do that and if they do that, the Town would need to as quickly as we could get the information together for a water supply application and move the water supply application along with the emergency request.

Mr. Secor asked to finish the point on Selkirk Cogen because we could ask them to. Councilman Davis said she had another question and asked him not to forget. Mr. Secor said to go ahead. Councilman Davis asked how much this particular means of supplying the water that he has referred to cost. Mr. Secor said less than \$10,000 by the time the pump is purchased. He said the power is already down there because they had power run to the test wells. He said it is a matter of finding out... he said the water levels at low tide are so low, they are going to be down there Thursday to make sure that there is a place where a submersible pump can be put in. He said this time of year they have to use a submersible pump because if it shuts off in the middle of the night they do not want it to freeze up and split. He said they use the submersible pump, lay a pipeline that was pitched back to the river so that the pump... if there was a power outage or something happened, the thing would flow back and be self-draining. But, he said that could be set up within a matter of weeks. Councilman Davis asked if that would have any adverse effect on the infiltration system as we know it now and as it is being worked on by the engineers who are currently down there. Mr. Secor said he does not believe it would because they would be valving off that pumping station, pumping the water into the pumping station and pumping it out so it should not have any effect on the infiltration gallery.

Councilman Marcelle asked to follow-up on some questions like Councilman Davis. He asked not only how long but what is the difficulty or the odds of getting this permit to get the water from the river, asking if it is automatic. Mr. Secor said it was not, nothing is automatic. Mr. Secor again said the strong suit is that they took a very conservative approach in designing the new water purification plant, so the water purification plant has already gone through all the pilot plant testing and they have met all of the regulatory requirements for a surface water supply. He

said what we are actually producing is there are 3 classification of water supply from the Health Department standpoint. He said there are surface waters, there are ground waters and there are brown waters under the influence of surface water. We are in that last one, Mr. Secor said. We have a ground water source but since our wells are only 20 feet from the edge of the river, we obviously are under the influence, Mr. Secor said, of the river water. But, he said the big advantage had been in drawing through that underground aquifer is that the bacteria counts were zero and the water quality was very consistent. He said drawing directly out of the river you have the problem if there is a big rainstorm and the river turns very turbid, if you have freezing... he said there are a lot of things that come along with the direct river intake that they were trying to avoid with the infiltration system.

Councilman Marcelle asked if you were to assess this generally, what would the odds be of getting this permit to use the river water. He asked if it was like 1 in 5. Mr. Secor said he thinks the odds are very good because we have a plant that was designed to take in surface water and that they have already passed all of the regulatory hurdles up to the point and have plans approved so now it is a matter of going back to them and saying okay, this is a "c" classification but on an emergency basis we are going to do this. He said fortunately the system is already segregated from the rest of the drinking water system. He said so the Town can issue a boil water notice and take care of this. He said it only affects the industrial area and the small number of residences all of whom connected at their own wishes because they either had no water or low quality water or water that they just want to get access to the water plant. Mr. Marcelle asked about the length of time that this could be used under an emergency basis and on a more permanent basis. Mr. Secor said he does not think we will be applying for a permanent basis. He said he would ask on an emergency basis he would ask for them to have this permit be available to us until such time as the new wells are on line and have been accepted by the Town. He said hopefully the work plan that they were given by Earthtech was a very aggressive schedule and they are not on the schedule but they are moving along. He said they have a meeting scheduled for the next week to make sure the fire is still lit to their feet.

Councilman Marcelle asked about the time frame. Mr. Secor said he again is afraid to guess at that. He asked Mr. Alessi if he had any information. Mr. Alessi said he does not have any more. Mr. Secor said they would know more after the meeting next week.

Councilman Plummer asked if there was anything that the companies that are purchasing the bulk of the water right now have any restrictions that would trigger if the Town was able to go with direct intake into the Hudson and work it through our process. Mr. Secor asked Mr. Plummer to repeat the question so he was sure he answers properly. Mr. Plummer asked about the companies that receive the water right now that primarily comes from the City of Albany, if we were to do what is proposed with the Hudson to take it directly and treat it and then get it to the businesses, are there any... can they accept it as it is or is there anything else the Town would have to do to it. Mr. Secor said not to his knowledge. He said industrial users have very, very tight requirements on water since a lot of it is going into boilers, there is boiler pretreatment, there is a lot of treatment that they do to the water after they get it. He said the water from the river is probably going to be lower in dissolved solids, he would suspect, the ph might be a little bit different than what we are doing but they condition the water and treat it before they use it. He said they would notify them and tell them what was going on but what they would really be getting is a blended water. He said they would still be getting the 800,000 or 900,000 gallons a day out of the infiltration system and then they would add to that whatever water we needed from the river and basically, since we have a 20 million gallon raw water storage reservoir, we would cycle those pumps to keep that full. He said we will pump the demand to the industrial area to service the demand there and then we will use that 20 million gallon raw water storage reservoir as our buffer so that we know how much to do. He said we will continuously pump out of the infiltration gallery and pump as needed from the direct river intake.

Town Attorney Alessi said to supplement the answer to Councilman Plummer, you know, we obviously want to work cooperatively with all people affected, including the industrial customers. He said if he were the industrial customer, he would look at the overall situation including page 7, paragraph 6 of the contract which said pretty explicitly that if we draw upon our emergency water supplies for a period in excess of 96 hours, we can turn off the valve completely if this Board so determines it gets to the point that we have to protect our residential users. He said he would think even if they had to do something extra that the choice of doing something extra as opposed to getting no water, would be a choice that would probably sit down and have everybody's choice work out a little bit better. He said he thinks that they do need to talk to them to see how it might affect them and he thinks three is probably not going to be a lot of choices even if they say, well we would have to do "x:" or we would have to treat it a little differently because as he sees it coming down, that is a real possibility. Mr. Secor said that is another reason why we have to explore possibilities with Albany as extensively as we can. He said we requested 2.5 million gallons a day for the month of January. He said it would be his recommendation to the Board that we would also do that for the month of February and into March until we see some runoff. He said it is not just can you do it for this month but can you do it for the next 2 or 3 months. He said if the answer to that is we do not know, then we need to proceed with this alternative path because we cannot wait to the point where the vortex appears in the reservoir above the intake structure to make decisions. Councilman Plummer said it sounds like we have to proceed with it even if the City of Albany were going to help us over the next few months if they were in position to do so. He said it sounds like it is very prudent to move forward to see if that is an approach that we can accommodate the businesses with in their business process. Supervisor Fuller noted and protect the residents. She said let there not be any confusion that residents are being made to drink the Hudson River water. Mr. Secor said the residential supply is going to be left untouched. Councilman Plummer said City of Albany and Vly Creek reservoir. Mr. Secor said it will be Vly Creek reservoir and Albany. Supervisor Fuller noted it will only be the industrial and the residents who signed on. She asked if that was 20 that Mr. Secor said. Mr. Secor said it was and they would take care of the m separately and do a separate letter to them.

Mr. Secor said in November, the end of the memo said that he was asking at that time to authorize the purchase of supplemental water from the Town of Guilderland in the event the City of Albany is not able to supply our supplemental needs. He said he thinks that is still where they are at and they will go back to Albany again, ask them again if they can do this. But, Mr. Secor said he cannot wait until the next Town Board meeting because something is going to go dry in the night here if we do not do something. He said he would have to ask the Board to take that action tonight. He said if we are able to get additional water from Albany to meet that need it would be fine, if not he said we will have to deal with the fluoridated water from Guilderland or we are going to have to shut off one of the industrial users.

Supervisor Fuller asked if they could take the motion to declare an emergency, it is pretty obvious that it is an emergency and asked if they could spend some time educating the community on how serious this problem is because she does not think that has been done yet. She said she is not ready to commit to buying the water from Guilderland at this point. She said they can schedule a special Board meeting over the next 2 weeks noting maybe we will get rain, snow whatever. Councilman Lenhardt said do a lot of praying for rain. Supervisor Fuller said the other thing is that Mr. Secor talked about several options and there are no definite answers on any of them.

Mr. William Kelleher stated we have a real emergency here and he completely endorses what Mr. Secor said about taking water from the Hudson River. He said it should not bother the industries at all. He said they are more interested in the chemistry. He said the residents should be supplied with bottled water or we could put filters on each of the lines. He said the water would be better

than the water they are getting now as far as he is concerned, except for the bacterial count. He said the water from the Hudson River is better than the water that they are getting from that 1,000 foot well right now. He said his advice is go ahead with an emergency application, we have no choice, if what Mr. Secor says is correct, and you do not want to go to Guilderland. He said we have no other choice.

Mr. Secor said to follow-up on what Supervisor Fuller said, then he would still ask the Board to do the declaration that we are in an emergency. Supervisor Fuller asked if we should begin exploring with the various agencies that you will have to go through and they certainly will not solve this problem in 2 weeks. Mr. Secor said again, he started 2 months ago as he came to the Board in November, placing calls to DEC and the Health Department. He noted he gave a copy of the Memo and spoke to Albany County Emergency Manager some weeks ago and faxed him off a letter. So, he said he has been working on it and he will continue to do that. Mr. Secor said he will start bringing the information together for an emergency water supply permit but if Albany is not able to at least get us up to the 2 million gallons a day for this month and give us some kind of commitment for next month, we are going to be in a very awkward position here very shortly.

Councilman Davis asked before they vote and make any final decisions, if there is some additional costs to all of what they have discussed and if there is any way they can increase the cost of water to the community. She thinks under the circumstances if it is an emergency, she thinks our community would be receptive to that. She said she thinks, as she has said before, it is one of the best bargains going. She said she really thinks that, noting she is guilty of it as well, as a society and a community, we just take it for granted that we have every drop of water that we want and then some coming out of our faucets and our wherever and out of the ground and automatic sprinklers. She said she thinks we really, really need to impress on the community right now, how much of an emergency it is and how important it is and maybe if we put a price tag on it, that will help somewhat.

Mr. Secor said again, they presented back in November or the first meeting in December a chart for new charges for this year, some of which anticipated this, however, we are still in a situation that our base water rate is \$1.07 or \$1.10 per thousand. He said if we are going to buy additional water from Albany at \$2.60 per thousand, we cannot buy it at \$2.60 and sell it for \$1.10. Mr. Secor said that would be the next thing. He said as soon as they know what the source is and what the costs are going to be, when he comes back to the Board, he will bring some numbers with them and they will look at an emergency measure for the next round of water billing. He thinks January, February and March at the rates they have set and if they have to get into emergency measures, the next round of in May, June, July and the bills will be adjusted, as well as, the rest of the year.

Mr. Secor said this would give time to educate the community and tell them what is going on. He said fortunately, we are at a time of year when we do not have to worry about lawn sprinklers and a lot of other stuff. He said one of their concerns is that they want to make sure that there are some areas where people turn open faucets and let them run to waste so they do not freeze. He said they need to look and make sure that none of the industrial users or any of the plants are doing that kind of thing. He said they will start sending inspectors out and ask the Building Inspectors for some help. He said after the Board meeting last November, they faxed individual letters to all the large users, put them on notice and will now fax them a letter and ask them for a written plan of how they are going to reduce their water use and when they can accomplish those goals. He said he expects if he does not get them by Friday, by the next time he talks to the Board, he will be able to give copies of the written responses from the 5 or 6 major users. He said they will include with that the school district. He said they are going to have to have the school get aware that spraying water all over the athletic fields this summer is a low probability.

Councilman Lenhardt said raising the assessment on our users does not solve the actual problem of more water being available. He said it just helps in educating

them about the dire situation that we are in. Councilman Davis asked Mr. Secor how he was going to do that. She asked what means of educating the community he was going to use. Mr. Secor said there will be a mailing with the January billing. Councilman Davis said there are a lot of people in the Town who do not get water bills, renters and people who do not pay because they do not own property. Mr. Secor said in addition to that they will develop media releases and noted the Spotlight story was well written and they will continue to work at that. Supervisor Fuller said the web page, the library channel, we will have it running all the time. Mr. Secor said they will continue to work on that. Councilman Davis noted we need to use every possible source. Mr. Secor said in the Bethlehem Report, the spring report that goes out with the recycling message, there will be a water conservation pamphlet with it. Councilman Davis said that is spring and it is a couple months away. Mr. Secor said he realizes that but he will lay out a program for that.

Town Attorney Alessi said to him, the point he would like to make to underscore the seriousness of where we are, he does not think we have any choice but to vigorously pursue the river as surface water as a source and to pursue it immediately. He said if the City of Albany situation worsens, we have a contractual right to 600,000. He said he is not going to debate whether or not our water supply permit of 2 million entitles us to take 2 million. He said let's leave that aside for the moment. He said the City of Albany has taken the position that their only obligated to provide us with 600,000. He said they are providing us with 1.2, if their situation stays the same or worsens, they could come back and say we cannot give you 1.2, we can only give you 600,000. At that point, Mr. Alessi said, even Guilderland will not save us from our water deficit and that letter could come back next month. So, his judgment is that Guilderland is not a guarantee to get us over the hump and he thinks that there is only one prudent way to go about this that will maximize the chance. He said there are other alternatives, obviously, but to him that is vigorously and assiduously pursuing getting that solution and in that regard, we have made contact with the DEC and have told them of this emergency and, to my knowledge, there was a meeting that was occurring in DEC's region today to come up with ways to address this situation.

Mr. Alessi said he does not want to have a discussion that we have had for a long time, which he thinks is beneficial obscure the fact that we could run out of water in this Town at the end of this month. He said we could run out. People could turn their faucets on and there could be no water, Mr. Alessi said. He said he thinks with that possibility no matter how remote some think it is, it augurs for us making sure we are taking every effort and to him the only one that really gets us past that is the surface water source in the Hudson River. He said he would recommend that there is a motion to declare the emergency, noting that is clear to him because that is needed no matter what is done and certainly to have the measure of surface water on an expedited basis. He said we need the emergency declaration from ourselves that we are in a state of emergency. He said he recommends that this be cleared as a first matter.

Councilman Marcelle asked about the million gallons a day from Guilderland and whether it had to be commingled with residential use or was there a way to target it just for industrial use. Mr. Secor said the interconnection is in North Bethlehem and it would have to be introduced into the system and let it come down through the system through the rest of our pipes. Mr. Marcelle said it would necessarily run into residential. Mr. Secor said there is no pipeline that would take and short circuit it directly to the industrial area. Councilman Plummer said that is clearly the benefit of the direct take to the Hudson is that it goes directly to the industrial sector so the residents are not confused. It will not be used for drinking water, according to Mr. Plummer, it will be used for the business process.

Councilman Plummer asked when the designation is made of a state of emergency, does that in any way force a community, like the City of Albany, or with the Department of Health help in expediting permits or does it help in getting a solution much quicker than it normally would. Mr. Secor said it was his

understanding was yes that once there is a declaration of emergency it opens up avenues of application and review that are not available to us without those extraordinary circumstances. Councilman Plummer asked if that was the time frame that he talked about as related to the Hudson, the 8 months or so or is this something that could be looked at. Mr. Secor said we will quickly as can be done put together a water supply application. He said the water supply application itself is a one page document. He said the supporting documentation is the bigger issue and so he needs to dictate a bunch of information and go back through and give them another copy of the pilot plant study and all the other documentation. He said that will go both to DEC and DOH and then they will ask them for expedited processing of that. He said at the same time, he will get one of the consulting engineers down to look at the details of hooking up the direct intake so they can then send that along to them. He said we will send here is what we want to do and here is how we are going to do it. He said these 2 points have to be developed very quickly.

Councilman Marcelle indicated the Memo closes with we will run out of water this month unless we can purchase water from Guilderland. Mr. Secor said there is another part of that sentence that he should have put on, unless we shed demand. He said in other words, there are always 2 sides to the thing. He said we either cut the demand side or you meet the demand. Mr. Marcelle asked if he was talking about setting about 15 percent of our current demand. Mr. Secor said about 20 or 25 percent would be the amount. He said we would need to shed a million gallons a day. Mr. Marcelle asked how likely that is. Mr. Secor said again, the only way that we can get that is to go up to somebody who is using 2 million gallons a day and say, we can give you one million gallons. He said we need to give them 96 hours notice and he hopes we never get to there. He said he hopes something else can be done first. Mr. Marcelle asked Mr. Secor to correct him if he was wrong but will we be able even under the best of circumstances, be able to take water out of the Hudson River by the end of this month. Mr. Secor said he would be very surprised if we could get through the regulatory hurdles that quickly. Mr. Marcelle said it is unlikely this month. Mr. Secor said he has to put together a bunch of paperwork and get it to them and someone has to review it and get back to us. He said he would be surprised if it was this month. Mr. Marcelle said he wants to understand, so it is unlikely that we would get permission to take the river water by the end of this month so unless we get another source, Albany or Guilderland or we have a 20 percent reduction we run out. Mr. Secor said there is that possibility and again, the estimates are based on about 5.3 million gallons per day. He said it could turn out that we only use 5 million or 4.8, these are estimated values. He said he cannot predict with a crystal ball exactly how many gallons are going to be used for the month. He said he was just saying that possibility is there. He said that is why the action is tonight we declare the emergency and we are going to move forward with this emergency supply, as Supervisor Fuller said, we will get the information out to the community. He said we may well have to have an emergency meeting or a meeting prior to the next regular scheduled Town Board meeting to take action on the taking from Guilderland. He said getting more from Guilderland is as simple as opening a valve and there is no, the piping and agreements are in place. He said Guilderland is ready, willing and able to sell us the water. He said it is dealing with the fluoride issue that is the issue but we may have to deal with that if we are not able to resolve this by the end of the month. Councilman Marcelle said the deal with Guilderland could be struck almost at a moment's notice is what is being said. Mr. Secor said we already have a signed agreement in place with Guilderland for emergency supply. He said it is a matter of alerting them or turning it on so they can increase production at their plant to serve that. He said we exercised that 4 or 5 months ago to make sure everything was working and that the meters were there and everything was in good place. He said so they know it works and it has been in existence for 15 years. He said they probably, until they replaced the water main over to North Bethlehem, we used it 8 or 10 times in the last 10 years. He said now we would be using it for water supply rather than just as an emergency protection for North Bethlehem.

Councilman Lenhardt asked if Albany has an emergency plan, as he would assume, for their water system whether they have declared any level of alert or warning to our knowledge. Mr. Secor said to the best of his knowledge, noting we modeled our plan after their plan and developed it based on the same kind of draw downs and trigger points, the last he was informed was that they were very close to being at the alert stage. Mr. Lenhardt said they had not declared it officially. Mr. Secor said as far as he knew they have not done it. He has not seen any specific documentation. He said the monthly reports which we are submitting which he gave the Board copies of and he has the January one, the City of Albany is also filling these out since last year so he has not foiled any requests or asked for them but in talking to Albany County, they are at a level... people who have driven up past the reservoir, people who have lived here their whole lives, have told me they have never seen the reservoir that low, the Alcove reservoir. He said so he does not know but what is perceived and what the actual volume capacity is... it is reported that there is still over 6 billion gallons of water in the Alcove reservoir so there is still 200 or 300 days supply to them.

Councilman Davis said if we have a wet spring the problem goes away according to what Mr. Secor said, she said it is very possible that we will not have a wet spring so that she thinks that we need to do whatever we can to expedite this and to make certain that what is done is in place in the future when this occurs again because they know it will. Mr. Secor said again, that was a point that was raised, not remembering if Mr. Alessi or another person asked, we can do this temporary application and then look beyond that at some point.

Supervisor Fuller asked for a motion to declare the emergency.

The motion was made by Mrs. Davis and seconded by Mr. Lenhardt that the Town Board of the Town of Bethlehem hereby declares a water supply emergency in the Town of Bethlehem and authorizes the Commissioner of Public Works, his staff, and any consultants he may retain on behalf of the Town, to file with the appropriate governmental officials, including but not limited to the New York State Departments of Environmental Conservation and Health, all necessary applications, emergency or otherwise, for approvals for the Town to take emergency action or actions to alleviate this serious water shortage situation and threat to the residents of Bethlehem. The motion was passed by the following vote:

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

- - -

Supervisor Fuller next asked Mr. Secor is there a need to designate himself and Mr. Cirillo drought coordinators. Mr. Secor said yes.

The motion was made by Mr. Lenhardt and seconded by Mrs. Davis to designate Bruce Secor, Commissioner of Public Works, and Mike Cirillo, Engineering Services Administrator, as draught coordinators for the Town of Bethlehem. The motion was passed by the following vote:

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

- - -

Supervisor Fuller said a special meeting can be scheduled as soon as it is needed. She said especially when the information is received from the Department of Environmental Conservation and the Health Department.

Mr. Secor asked Mr. Alessi on the Selkirk Cogen contract if there would be a need for a Town Board resolution in order to notify them we are pumping from emergency supplies. Mr. Alessi said it does not hurt and he wanted to add that the Town Board authorize Mr. Secor on their behalf to provide the notice to Selkirk Cogen. He said the invocation of the contract is that there has to be an event that

requires the Town to draw upon our emergency water supplies for a period in excess of 96 hours. He said it is a different situation and we are declaring an emergency here which is a different species, so to speak, than what is contemplated for in the contract. He asked Mr. Secor what he would be looking for for Selkirk Cogan. Mr. Secor said again, if Albany is not able to increase the amount that they give to the Town, we have to make up that .8 mgd some how quickly. He said if they cannot do that and we decide not to go back to Guilderland, then we will have to start pumping from emergency supplies which is only about a 4 day stand and then we would have to get into this. Mr. Alessi said the contract basically says that you have to exhaust... essentially from what he is hearing from Mr. Secor. you have to exhaust the emergency supplies before we can tell Selkirk Cogan that we have to not provide them with water. Mr. Secor said there are 4 million gallons in the tank and if we need to make up .6 or .5 mgd it would go beyond that. Mr. Alessi said they can talk about this more after the meeting but it does not require us to exhaust it, just draw upon them for 96 hours so maybe we take a little bit out for 96 hours and we would meet the contract provision. Mr. Secor agreed and said they can do that. He said he would ask that the Board authorize noticing Selkirk Cogan. Mr. Alessi said he thought that would be useful.

The motion was made by Mr. Lenhardt and seconded by Mrs. Davis to authorize Bruce Secor, Commissioner of Public Works, to notify Selkirk Cogan on the Town Board's behalf of the water emergency. The motion was passed by the following vote:

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

- - -

Town Attorney Alessi asked Mr. Secor if he can begin drawing on the emergency supplies at any time. Mr. Secor said he can that they are controlled by the computer and the tank levels start going down and he checks with the operators twice a day and pump from those to keep the levels up to maintain the fire protection. He said he will verify that and notice him on Thursday. Mr. Alessi said 96 hours and one second would be sufficient at a level less than putting us in too much more trouble. Mr. Secor agreed.

Mr. Robert Samsel said he would like to make 2 suggestions both of which will make him about as popular as a skunk in a lawn. He said the rates for the water in this Town are so ridiculously low that all those nice things that the Spotlight had today how you can save water, nobody is going to do it to save a penny or two. To give an example, he said by maximum monthly fee for water is \$6.50. Now, he said he cannot talk his wife into not running the water or the dishwasher to save 5 cents. He said get the rates up to where it is costly to take a 20 minute shower. Mr. Samsel said long term there should be thought to stopping future developments in this Town until the water problem is solved. He said many towns in California have no building at all for the past 5 years because of water problems. He said you want to have 10 more developments, you better buy some more water.

Supervisor Fuller asked if Mr. Secor wanted to comment on the development issue, noting she thinks the biggest problem is the project we got into that does not produce the water. Mr. Secor said again, he understands what Mr. Samsel said, the Town has looked for long term supplies and thought we had those under control but they have not come to pass. He said beyond that once we get past this initial problem, they are going to be back in and noted he outlined that for the Board in the budget process last year in setting up a series of engineering studies both looking at water supply and transmission and storage and they will be doing that, it is timely. He said the last time we did this was about 1990 and we have to get into this about every 10 years in order to keep them updated.

Councilman Davis asked as part of the emergency if it would be viable thing for the Board to do to have a moratorium on development in relation to Mr.

Samsel's suggestion, would that help in some way. Mr. Secor said again, developments that are under review and approval are sometimes years away from fruition and he thinks that is a question that can be looked at in June and July. He said we will see our runoff in April, May, June. He said again, you can then look at issuance of building permits rather than development review. He said he does not think we are at that point. He does not want to be caught in a situation of chicken little and running around. He said actually at this point, he hopes the sky starts falling because it has not very recently but he said we have to be careful. He said we have prepared the community for the future with water supply. He said right now we are in a protracted situation of getting a water supply that we had counted on up and running. He said once that happens, this problem pretty much goes away. He said if we were able to produce 3 or 4 million gallons a day out of the Clapper Road plant to serve the industrial area, we have more than sufficient water for the residential side. He said we have between 5 and 6 million gallons a day available to us on the residential side. He said we only use 3. He said the growth is there, the problem we have now is unique. He said in the history of the Town this has never happened before. He said in the history of the reservoir, the reservoir has never been this low. He said these are unique circumstances.

Mr. Secor said he does not want to be accused of double speak but the way a reservoir is designed is you look at the size of the watershed, the anticipated runoff, and the volume of storage in the reservoir. He said you do this calculation called safe yield. He said what safe yield really means is you just about go dry before you fill again. He said we have been spoiled for the last 30 years because we always got down to about 50 percent and went back up. He said if you look at the charts he gave to the Board members, the 20 year average of the low point of the reservoir was 54 percent. He said the cup was never even half full and we filled it up again and after all those years of seeing that, we are now... the other chart was safe yield is 3.6, we used about 3.6 million gallons in this year. So, we used the reservoir to its rated capacity, Mr. Secor said. He said we have drawn it down and now we are hoping for refill. He said we have been hit with some odd weather. He said he does not want to sound an alarm that sends us down a path which is counterproductive. He said the community has been well protected. He said we have looked toward the future. He said we are living within the water resources that are available to us. He said we have gotten hit with some hard times. He said we are doing the prudent thing about looking ahead and planning for the future and taking some actions to both safeguard our immediate future and the long term immediate future but in the long run, we have the sources in place and we have done the due diligence to do that. He said we still need to look beyond that. He said he thinks looking at the City of Watervliet, if Albany is unable to negotiate for the full 2 million gallons a day and guarantee that through both good times and bad that we need to look beyond that.

Councilman Davis said she does not mean to sound alarmed either but she would like to go on the record and say that she thinks it is important to revisit the issue of a moratorium before too long in a matter of maybe months, just a few months, depending on what happens with the water supplies. She said she thinks that we need to visit very possibility in cutting the demand for water. She said she thinks residential use is a major consideration.

Councilman Marcelle asked Mr. Secor what the average household use a day in gallons was. Mr. Secor said that ranges, noting in the November discussion, with the new computer system they looked at usage. He said 50 percent of the customers use less than 6,000 cubic feet in a billing period. He said that is about 7 ½ gallons in a cubic foot. He said the other 50 percent use a little bit more than that but almost half of the customers, about 20 percent get a minimum bill. He said the minimum bill is \$11.20 for 4 months of water. He said it really is really under priced for the value in doing that. He said what do you get for \$11.20 for 4 months, he could not think of anything. He said that all has to go in. He said Mrs. Kehoe, our Comptroller, has been in contact with someone that we are hopefully going to get in here in the near future to look at rate structures and do some more comprehensive comparisons.

Councilman Marcelle again asked Mr. Secor about the average use per household. Councilman Davis brought up the issue of the new houses, with the swimming pools and all the bathrooms and all the things that the average home or the below average home in this community does not have, noting that she is not trying to offend the new homeowner. Councilman Lenhardt said the technology is different. Mr. Secor said the new homes come with low flush toilets, low use shower heads which are required by the current building code. He said when you look at a home that has maybe 3 or 4 bathrooms and another home that has one, the use could be 5 times as great, the same as, it is all over the board. He said a lot of the larger homes, everybody works and the kids are at school and there is nobody home and so the range is really dramatic. He said even on one street, you can look at a house that is using the minimum and you can look at somebody next door who you think is running the Las Vegas waterworks. He said it is really odd. He said the rate structure that we have set up, as of January this year approved by the Board, reduced the minimum billing down to 3,000 cubic feet in the billing period. He said this was to protect the senior citizens, the people who conserve and the rate immediately goes up to \$2.20 or \$2.60 and then comes back down to \$2.20 for the larger users. He said they have made some adjustments to try to parallel the cost of buying water from the City of Albany.

Councilman Davis said Mr. Secor answered her question and thanked him.

Hearing began: 9:00 p.m.

SUPERVISOR FULLER: The public hearing scheduled for 9 p.m. to consider amendment to the Code of Town Of Bethlehem regarding Through Streets, Fisher Boulevard, Slingerlands. I ask the Clerk to read the call of the hearing.

TOWN CLERK NEWKIRK:

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a public hearing will be held by the Town Board of the Town of Bethlehem on the 9th day of January, 2002 at 9:00 p.m. to consider Local Law No. 1 of 2002, Amending the Code of the Town of Bethlehem as follows:

AMEND VEHICLE AND TRAFFIC ARTICLE VI, Section 119-32, Schedule VI, Through Streets as follows:

ADD:

FISHER BOULEVARD - designated Through Street with stop signs on the following streets entering Fisher Boulevard:

Victoria Lane – Direction of travel – west;

Ridgefield Drive – Direction of travel – west;

Mansion Boulevard (private) – Direction of travel – east Southern exit;

Mansion Boulevard (private) – Direction of travel – east Northern exit;

Hedgerose Lane – direction of travel – west; and

Fox Hollow Greene – direction of travel – east.

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

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

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

TOWN CLERK

- - -

State of New York)
County of Albany)

ELIZABETH BRADT of the Town of Bethlehem, being duly sworn, says that she is the RECEPTIONIST for THE SPOTLIGHT, a weekly newspaper published in the Town of Bethlehem, County of Albany, and that the notice of which the annexed is a true copy, has been regularly published in said THE SPOTLIGHT ONCE A WEEK FOR 1 WEEK consecutively, commencing on the 26th day of December 2001.

/s/ Elizabeth Bradt

Sworn to before me this 26th day of December 2001.

/s/ Sharon A. Doldo
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, 2001, a Notice of Public Hearing, a copy of which is hereto attached, on the sign board of the Town maintained pursuant to subdivision six of Section thirty of the Town Law.

/s/ Kathleen A. Newkirk
Town Clerk

Sworn to before me this
26th day of December 2001.

/s/ Julie S. McNeil
Notary Public

- - -

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

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

- - -

SUPERVISOR FULLER: Is there anyone here for the 9 o'clock hearing making Fisher Boulevard the through street? If you would like to speak in favor or in opposition. I need you to come to the mike, please, and I need your name and address for the record.

MRS. CARLOMAGNO: I live on 369 Orchard Street. We have lived there for about 6 years. I frequently travel up and down Orchard Street approximately 2 to 4 times a day. Since Fisher Boulevard has crossed Orchard Street and they have a stop, it's a disaster waiting to happen. Cars coming from Fisher both directions frequently do not stop. They might slow down but they don't stop. They just keep going. I don't know how many times I have been scared for something to happen and my suggestion would be to put a blinking traffic light with a red light facing Fisher and a yellow blinking light for Orchard. Also, I think if you have a yellow blinking light on Fisher, you have that long straight away that I'm afraid people be really speeding on. If you have the yellow light on Orchard on the other hand, you're going up the hill and it's a narrow street and I don't think you would have the impact of speed. And, I worry because it is a lot of pedestrians, there's a lot of

bikers, hikers at all times on Orchard Street. And, that's... I would strongly suggest that. Thank you.

SUPERVISOR FULLER: Thank you. Orchard Street is not addressed in tonight's public hearing. What we have done with this are all the side streets that come out and meet Orchard... or meet Fisher Boulevard. So, perhaps, the issue that you've raised tonight could be set up for another... I am not so sure it would be a traffic light but we can have the police and our highway take a look at the issue you have raised tonight and I can give you a call and let you know.

COUNCILMAN LENHARDT: I had a note on that particular issue because I lived in that area and because of the openness of the entire area, you start down Fisher and it... and as that development progresses out there on Orchard Street, there's going to be more traffic going through that intersection on Orchard Street and I'm afraid there's going to be serious accidents there. I don't know that a traffic light is the answer. I'm not sure 4 way stop signs are the answer but something should be addressed to calm the traffic at that intersection before someone is seriously injured.

SUPERVISOR FULLER: If we can take a motion on this public hearing for tonight and then we can get back to your suggestion. One issue is with the traffic lights it's not the Town's jurisdiction, it's the State of New York that determines the traffic light but we can take a look at what can be done for the issue that you have brought to us this evening.

May I have a motion to close the public hearing.

The motion was made by Mr. Plummer and seconded by Mr. Lenhardt to close the public hearing at 9:23 p.m. The motion was passed by the following vote:

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

Town Clerk

The Supervisor reconvened the regular Town Board meeting following the close of the public hearing. She asked for a motion to adopt the Local Law approving having Fisher Boulevard the designated through street.

The motion was made by Mr. Lenhardt and seconded by Mr. Plummer to adopt Local Law No. 1 of 2002 amending the Code of the Town of Bethlehem, Vehicle and Traffic, Article VI, Section 119-32, Schedule VI, Through Streets designating Fisher Boulevard as the Through Street. The motion was passed by the following vote:

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

Hearing Began: 9:15 p.m.

SUPERVISOR FULLER: The 9:15 public hearing to consider amendment to Code Town of Bethlehem regarding Stop Intersection at McCormack Road and Bridge Street in Slingerlands. Ask the Clerk to read the call of the hearing.

TOWN CLERK NEWKIRK:

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Bethlehem, Albany County, New York will hold a public hearing on January 9, 2002 at 9:15 p.m. at the Town Hall, 445 Delaware Avenue, Delmar, NY to consider

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

a proposed Local Law, amending Vehicle and Traffic, Chapter 119-33, Article VI, Stop Intersection at McCormack Road and Bridge Street, Slingerlands.

All parties in interest 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 Nan Lanahan at 439-4131. Advanced notice is requested.

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

- - -

State of New York)
County of Albany)

ELIZABETH BRADT of the Town of Bethlehem, being duly sworn, says that she is the RECEPTIONIST for THE SPOTLIGHT, a weekly newspaper published in the Town of Bethlehem, County of Albany, and that the notice of which the annexed is a true copy, has been regularly published in said THE SPOTLIGHT ONCE A WEEK FOR 1 WEEK consecutively, commencing on the 26th day of December 2001.

/s/ Elizabeth Bradt

Sworn to before me this 26th day of December 2001.

/s/ Sharon A. Doldo
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, 2001, a Notice of Public Hearing, a copy of which is hereto attached, on the sign board of the Town maintained pursuant to subdivision six of Section thirty of the Town Law.

/s/ Kathleen A. Newkirk
Town Clerk

Sworn to before me this
26th day of December 2001.

/s/ Julie S. McNeil
Notary Public

- - -

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

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

- - -

SUPERVISOR FULLER: Is anyone here for the stop sign on McCormack?

MRS. FORSYTH: I am Celine Forsyth 18 Bridge Street.

MR. YOUNG: Ken Young, 23 Bridge Street.

MRS. FORSYTH: Currently, the way that the road is set up there is really 4 different ways the traffic comes to one point but really at 2 different junctions. It is very difficult unless you are familiar with the street. To enter Bridge Street from either McCormack heading towards New Scotland or onto McCormack from Bridge Street, there are 2 obstructions... 2 obstructed angles, trees block both ways and at this point there's almost near accidents regularly... would you say? Complicating that, there is a bus stop close by and children have to cross over the dangerous intersection and basically, cars are using the McCormack as a bypass to get around New Scotland and without a stop sign where Bridge and McCormack meet, it's just an accident waiting to happen.

MR. YOUNG: This issue was addressed, I think, about 5, 6 years ago. There were 2 concerns, 1. that a good percent of the traffic down McCormack was cut through traffic to avoid New Scotland Ave and 2. that those people tend to drive relatively fast. So, we went through some processes and 2 stop signs were put in. The people that were involved initially in the neighborhood were under the impression the stop signs were not going to be put in there. They were going to be put in on McCormack not on Bridge Street and it actually ended up making the problem worse. Now, when you come out of Bridge Street to McCormack there is a stop sign so you are stopped and there is a tree to the right. McCormack comes in... like a not a 90 degree angle but 120-130 degree angle and you literally inch out look, inch out look, you can't see at all. And, many times I inch out, inch out, inch out and I decide to go and someone is coming and I have to slam on the brakes and it's just an accident waiting to happen.

I think everyone on the street has had at least 3-4 times when, you know, they've nearly gotten into an accident. And, also when you are coming down Bridge Street making a left on McCormack, there is bushes in the way, you can't see. So, what has happened is now the people on McCormack are aware that there are stop signs on Bridge Street, I think they're going even faster. And, then on Bridge you're just standing there and you can't figure out when to go and when not to go. Same thing coming down McCormack making a left on Bridge, you can't see if someone is sitting at that stop sign. There is just no vision at all between the 2 roads. So, I think putting in the 2 stop signs 5-6 years ago, I think it was, made things worse.

MRS. FORSYTH: We want the stop signs to stay but there needs to be additional stop signs.

SUPERVISOR FULLER: This is an additional stop sign for McCormack Road direction of travel west at the intersection of Bridge Street.

MRS. FORSYTH: Yes, heading towards New Scotland.

SUPERVISOR FULLER: Does this solve your problem? Answer your request?

MRS. FORSYTH: Yes.

COUNCILMAN LENHARDT: Interestingly enough when Bridge Street was the only cut through from New Scotland to Kenwood Avenue, the stop sign we're discussing tonight existed.

COUNCILMAN DAVIS: I remember those days.

MR. YOUNG: I think if you had one coming the other way on McCormack, I guess that might be a little awkward I don't know.

COUNCILMAN LENHARDT: I don't know how you would do that one.

MR. YOUNG: Have you thought about making it a 4 way also or decided that...?

SUPERVISOR FULLER: I believe that was the discussion 5 or 6 years ago and I believe the Board did not want to head that way.

MR. YOUNG: Right.

SUPERVISOR FULLER: Gregg Sagendorph, our Highway Superintendent, is the one closely involved with this situation. Did you hear the question?

MR. SAGENDORPH: No, the 2 residents have done an eloquent job of describing exactly what is taking place there. I think this stop sign that they requested is warranted in that location. The 4th stop sign coming from Bridge Street isn't going to do a lot of good.

MR. YOUNG: Right, cause you can see there very well.

MRS. FORSYTH: That's the one place you can see.

MR. SAGENDORPH: You are stopping 3 quadrants of traffic allowing the 4th quadrant to proceed through. They have the best line of sight. They can see everyone else involved. But, what the young man described is very true. When this car is stopped on Bridge Street at the stop sign, they cannot see McCormack Road traffic nor can McCormack Road traffic see the Bridge Street traffic. So, I feel and my staff feels that that is warranted to have that stop sign put on the corner.

MR. YOUNG: The only other luxury would be a stop sign on Maple and McCormack to discourage people from cutting through and it's McCormack is a winding road. There is a hill with very low visibility and when you get lots and lots of cars trying to avoid traffic on New Scotland cutting through there, and there is no sidewalk. There's people walking their dogs, you come over the hill people go 35-40 miles an hour, it is a dangerous road to walk on because of that. Anything you can do to discourage people from cutting through and I don't even live on McCormack, would greatly appreciate it. So, we originally thought that a stop sign at Maple and McCormack, perhaps, would discourage people from cutting through there but...

SUPERVISOR FULLER: We can only deal with Bridge tonight.

MR. YOUNG: I thought I would bring it up. Thank you.

SUPERVISOR FULLER: Thank you. Is there anyone else? This is on the stop sign.

MR. FLANIGAN: Yes, it is. John Flanigan, Slingerlands. I live at 39 Couse Lane and I use that intersection continuously 4 or 5 times a day down there and there is no question about the line of trees that's on the Pelzer property right there. It does block anything... you have to pull out before you can see whether there is anybody coming down Bridge Street because sometimes they don't stop at the Bridge Street stop sign.

There is also a garage from a property that is on New Scotland Road that sits right up against the back of Bridge Street there and there's usually 2 or 3 cars parked in there which makes that a little more hazardous. You go through there... George, you go through there a lot and you see it...

COUNCILMAN LENHARDT: Yep.

MR. FLANIGAN: And, I think this stop sign will help slow the people down and stop them at that corner rather than just running through it. The Bridge Street people... a lot of people... there isn't a lot of traffic that come out of Bridge Street itself from the cul-de-sac up on the end but it will help because they do come down through there.

COUNCILMAN DAVIS: George, are you using that as a cut through?

COUNCILMAN LENHARDT: No, I actually use it to avoid going around in front of Mangia's to get to the firehouse because unless it's plowed, which it's plowed excellently right now, you can't make that turn sometimes.

COUNCILMAN DAVIS: You are getting in deeper, George.

MRS. CAPONE: If you remember, a few years ago when there was a Traffic Safety Committee that discussed that.

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

The motion was made by Mr. Lenhardt and seconded by Mr. Plummer to close the public hearing at 9:32 p.m. The motion was passed by the following vote:

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

Noes: None.

Town Clerk

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

Supervisor Fuller asked if the Board wished to take action on the proposed Local Law amending the Code of the Town of Bethlehem, Vehicle and Traffic, Chapter 119-33, Article VI, Stop Intersections to add a stop sign at McCormack Road and Bridge Street, Slingerlands.

The motion was made by Mrs. Davis and seconded by Mr. Lenhardt to approve the adoption of a Local Law amending the Code of the Town of Bethlehem, Vehicle and Traffic, Chapter 119-33, Article VI, Stop Intersections to add a stop sign at McCormack Road and Bridge Street, Slingerlands. The motion was passed by the following vote:

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

Noes: None.

Supervisor Fuller asked if anyone wished to address the Board. There were none. She thanked Highway Superintendent, Gregg Sagendorph, and the Highway Department personnel for a wonderful job as usual. She said she is hearing lots of comments about what a great job they have done. Mr. Sagendorph said the help did an excellent job, they worked right through the night. He said now that the kids have left, school was only 2 hours late.

The Supervisor asked for a motion to adjourn to Executive Session to discuss police negotiations.

The motion was made by Mr. Lenhardt and seconded by Mrs. Davis to approve adjourning to Executive Session to discuss police negotiations. The motion was passed by the following vote:

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

Noes: None.

Absent: None.

The motion was made by Mr. Lenhardt and seconded by Mr. Plummer to adjourn the regular Town Board meeting at 9:34 p.m. The motion was carried by the following vote:

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

Noes: None.

Absent: None.

Town Clerk

EXECUTIVE SESSION

There was no formal action taken at the Executive Session.