

TOWN BOARD
JANUARY 24, 2001

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

PRESENT: Sheila Fuller, Supervisor
George Lenhardt, Councilman
Doris M. Davis, Councilman
Daniel G. Plummer, Councilman
Susan Burns, Councilman
Kathleen A. Newkirk, Town Clerk

ABSENT: Robert J. Alessi, Town Attorney

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Supervisor Fuller welcomed everyone to a regular meeting of the Bethlehem Town Board and invited them to join in the pledge of allegiance.

The Supervisor noted the Town Board hired Robert J. Alessi, Esq. as Town Attorney last Friday at a special meeting at 7:30 a.m. She said Mr. Alessi was already scheduled for a Municipal Law Conference and that is why he was not in attendance. She said he will be present at the February 14th meeting.

The first item was to acknowledge receipt of the Annual Report for the year 2000 from Town Historian, Joseph Allgaier. The Supervisor noted Mr. Allgaier has served as the Historian for the last 10 years and has done a superb job. She noted no matter what the Historian is requested to do, he is ready, willing and able to do it, finish it and make the Town proud.

The following item was a request from Jeffrey Dammeyer, Director of MIS, for approval of disposal of surplus equipment.

The motion was made by Mr. Lenhardt and seconded by Mrs. Davis to approve the request of Jeffrey Dammeyer, Director of MIS, for disposal of surplus equipment as listed in his Memorandum dated January 12, 2001 and on file in the Town Clerk's office. The motion was passed by the following vote:

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

Noes: None.

Absent: None

The next item was a request from Highway Superintendent, Gregg Sagendorph, for approval to go to bid for Gasoline and Diesel Fuel; Heating Oil; Crushed Stone; Gravel; Topsoil; Guide Rail; Rental of Track Excavator; Rental of Construction Equipment; Utility Repair Crews; Milling; and In-Place Paving for the year 2001.

The following resolution was offered by Mrs. Davis and seconded by Ms. Burns:

WHEREAS, the Town desires to advertise for bids for the purchase of Gasoline and Diesel Fuel; Heating Oil; Crushed Stone; Gravel; Topsoil; Guide Rail; Rental of Track Excavator; Rental of Construction Equipment; Utility Repair Crews; Milling; and In-place Paving for the year 2001, pursuant to law,

NOW, THEREFORE, BE IT RESOLVED, that the Town Clerk advertise for such bids in THE SPOTLIGHT issue on the 31st day of January, 2001 and that

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bids be received up to 2:30; 2:40; 2:50; 3:00; 3:10; and 3:20 p.m. on the 14th day of February, 2001 respectively and 2:30; 2:40; 2:55; 3:10; and 3:20 p.m. on the 15th day of February 2001 respectively at which time the bids will be publicly opened and read.

The resolution was adopted by the following vote:

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

Noes: None.

Absent: None

The following item was a request from Judith Kehoe, Comptroller, for approval to proceed with Installation of a New Finance Software Package.

Supervisor Fuller asked Comptroller Kehoe to give some information on this item. Mrs. Kehoe noted her office last upgraded their software back in 1995 when it was done for the payroll/personnel program. She said it was well worth the time and effort and added a number of features that benefited employees, including expansion of the deductions that were able to be made and offer direct deposit. She said the benefits operationally were even greater for her office in terms of quality of the reports and the ability to get the data needed off the system.

Mrs. Kehoe said there has been a need for a new finance package for a number of years and noted there is a pending governmental accounting standards procedure change which will change the reporting methods. She said the most notable change for her office is the requirement to start depreciating all of the fixed assets. She said they will have to start recording infrastructure, noting this means streets, sidewalks, water mains, and sewer mains. She said this is a major task. She said the standards provide a streamlined method of calculating this depreciation and it will be used for the Town. She also noted they are hoping to streamline a lot of the operations by paper and due more electronically.

Mrs. Kehoe said her office is excited to get into this new application and bring some efficiencies to the Town. She said at the budget workshops in October she mentioned that she hoped to fund this out of the Capital Reserves and noted they anticipated a sizeable grant from New York State to reimburse the composting facility expenses but that has not moved along as quickly as she had expected. She said the paperwork is going out this week. She said the money will not be received in time to proceed with this package.

Mrs. Kehoe said the other way to handle this is to do a supplemental appropriation through the General Fund. She said there was a surplus in the year 2000 and for that reason she is requesting the supplemental appropriation, modify the budget and enable the purchase to go forward.

Mrs. Kehoe noted the software itself will cost about \$73,000, training and travel costs for the staff to come up from Florida, and the one time annual support fee for the current year of \$13,500, noting this annual fee will be due each year. She said she has allowed for a slight contingency bringing the total to \$175,000 and hopes the actual cost will come in under that figure.

Supervisor Fuller asked how long the training will take. Mrs. Kehoe said it is ongoing and the staff would come up and start the process in February. She said they will come up and give an overview, explain the different options in greater detail then the ball comes back into the Town's court as to how this will be setup. She said the staff will then come back and instruct on how to process the data. She said it will be done intermittently over the course of the next 4 or 5 months.

Supervisor Fuller further asked how this will impact the Comptroller's office. Mrs. Kehoe said they have survived it once before and they will survive it again. She said it is a lot of work and they will be working additional hours. She

said her philosophy on software conversions is the quicker you do it, the better it is. She said she is hoping for a live gate of July 1st. She said they will run parallel with the existing system and the new one for probably 2 months, possibly longer depending on how long it takes to get it setup. She said it is a big job.

Councilman Lenhardt asked Mrs. Kehoe if she was intending to convert any electronic documents in existence to the new system. Mrs. Kehoe said conversion does not seem to be a likely option. She said she talked to Jeff Dammeyer and the software company about that but the existing system is so different from the new one that they do not think it is feasible. She said it is very expensive to do some of the conversion, noting they will input the data through June 30th and then go with the new data.

Councilman Burns asked in regard to the existing system and its reaching its useful capacity, what the capacity is of this software. Mrs. Kehoe said she thinks this will be indefinitely into the future, noting the finance software is pretty much a bread and butter type application for a finance office. She said any upgrades or modifications will be done by the vendor. She said they provide annual updates, noting the updates from their experience with the existing package and the others within the Town, is that they have user groups so that the people who are using the software give feedback to them and make modifications accordingly. She said if there are any changes in State law, part of the contract is that they incorporate that into the software as well.

Councilman Burns asked about the money for the annual support fee, inquiring if this will be asked for each year. Mrs. Kehoe said it will be asked for going forward in addition to the .4 contractual line item for her department.

Councilman Davis thanked Mrs. Kehoe for explaining that the travel expense or training and travel costs are a result of the company rather than our employees because it would sound like a wonderful vacation but they are not benefiting from those training and travel costs. Mrs. Kehoe said they will be running parallel systems for a while and they need to do that here.

Supervisor Fuller asked if there was any money provided from the State since this is a requirement. Mrs. Kehoe said no, and indicated that the State is going through this as well. Supervisor Fuller asked if other municipalities are also involved in this. Mrs. Kehoe said the pronouncement relates to all municipal entities. She suspects that most of them will be adopting this. She said the choice is to adopt or not adopt but there are, what she sees as, serious consequences for not abiding by the rules because the entity becomes odd man out and rating agencies are relying on the financial statements. She said if the Town receives an adverse opinion for basically deliberately disobeying this pronouncement, that could affect the Town's credit rating and could affect our issuance costs and financing costs. She said it would affect the single audit that is required because of all the governmental grants that are received. She said if the rules are not followed, it basically increases the level of testing that has to be done which increases costs. She said given that the pronouncement has several choices for the Town on how the final implementation is accomplished, she will be evaluating it and moving forward with the most expeditious method. She said the depreciation phase of it is not rocket science by any means, it is just allocating the life of the asset.

Councilman Burns asked if other towns are going forward with this and they use the same vendor, and the vendor has to come up here to do the training, maybe a coordination could be done and money could be saved. Mrs. Kehoe said it is possible. She noted they did come down on the original price, noting the price was quoted months ago to Mr. Dammeyer and it was about \$30,000 higher than the final price that they have quoted now. She said it is also affected by the operating systems that are used. She said it would require another municipality that is operating on the AS400 and able to use the same package. She noted it does not hurt to ask though.

The following resolution was presented:

RESOLUTOIN TO APPROVE
A SUPPLEMENTAL APPROPRIATION

RESOLVED, that pursuant to Town Law Section 112, the Town Board does hereby approve a supplemental appropriation in the amount of \$175,000, to finance the installation of financial accounting software for the Comptroller's Office, and associated training costs. The appropriation shall increase the Comptroller's Office computer software code (A-1315.2).

The foregoing resolution was presented for adoption by Mr. Plummer, seconded by Ms. Burns and passed by the following vote:

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

The next item was a recommendation for approval of appointment of a part time employee. Supervisor Fuller said this is a retiree and he will be hired as a part time employee, noting it was John Flanigan. She explained this will be a position to work more as a consultant at an hourly rate, noting his original hourly rate was \$35 and his part time rate will be \$19.62 per hour. The Supervisor said he will be working for the Board on the Land Use Planning Reference Resource document and a couple other special projects the Board has in mind.

The motion was made by Mr. Lenhardt and seconded by Mrs. Davis to approve the appointment of Mr. John Flanigan as a part time employee to work at the discretion of the Town Board at an hourly rate of \$19.62.

Councilman Burns questioned the supervision for this position, asking who will oversee this position and, to make it clear, who will be signing his time sheets and determining how many hours he will be working including what the conditions of the employment are and also to make sure that there is accountability for that. Supervisor Fuller said in discussing this with the Comptroller, they decided to do it the same way they did with Mrs. Kehoe while she was out. The Supervisor noted she would submit her hours that she worked while on leave and if she had to come in, she kept track of the hours and was paid for the time she had to come in. She said Mr. Flanigan would be reporting to her and she will submit the vouchers to the Comptroller. She said the Board can receive a copy of that also. She also noted it was difficult to come up with the number of hours that will be needed. Mrs. Kehoe noted this is the procedure for all employees that are part time.

The motion was passed by the following vote:

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

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

The motion was made by Mrs. Davis and seconded by Ms. Burns to approve the appointment of seasonal personnel as requested by Administrator, David Austin, Parks and Recreation Department, as listed in his Memorandum dated January 24, 2001 at the titles and salaries indicated.

The motion was passed by the following vote:

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

Noes: None.

Absent: None.

The following item was a recommendation from Jeffrey Lipnicky, Planning Department, for approval of an Amendment to Building Project Approval No. 29, Terramere, PRD Nos. 2 & 7. Supervisor Fuller noted Mr. David Neibart was in attendance from Terramere and the Town Planner. She said the Planning Department has reviewed the request and advised that the amendment to the Building Project Approval is really insignificant. She noted this was moving lot lines and eliminating the fencing along side yards to be replaced with trees.

Councilman Davis asked what the reason was for the basic request. Mr. Neibart said the modification pertains only to 2 lots. He said they did not realize there was a problem with the lots until they got out into the field and realized the units that are being built at Terramere would not fit on lot number 2 which was narrower than other lots. He said it was a design oversight, noting there was a readily available solution that existed on site which was to shift lot 4. He said by increasing the size of lot 2 they will be able to utilize the lot for any of the model types. He said the fencing was a requirement during the approval process for next to lot 1 and 2 and after discussing it with the planning staff, that same lot line is going to be heavily landscaped. He said one of the beneficial reasons to remove a fence is that the fence should not be too close to the side of the house.

Councilman Davis asked in going back to the original lots 2 and 4, if the lot is being increased from 4,852 square feet to 6,012 square feet. She said the other lots are 4,880 square feet. Mr. Neibart said the typical lot in Terramere is 66 feet wide by 80 feet deep. He said the resulting lot may be a little smaller than that but they only need to widen lot 2 enough to fit the models on it.

Councilman Davis noted she was asking this because this is the second time Terramere has come to the Board for a change in the plan. She said the previous request was in regard to the garages. She said she is concerned that requests keep coming back. She thinks the Board needs to be careful on making the approvals on the Planned Residence District changes. Mr. Neibart said he understands this, however, when they were before the Town originally, it was several years ago and certain market preferences have changed. He said there is now a first floor master bedroom model which is popular and when they started it was not something that was very desirable in the marketplace. He said the side entry garages are also something that the homebuyer's like. He said they also want to keep the changes to a minimum.

Councilman Davis noted with the change in the line that it will be just outside the wetland boundary and asked if this will create a problem. Mr. Neibart said it would not have any impact on the wetland. He said there are other areas on Terramere that are as close as this lot.

Councilman Lenhardt asked Mr. Lipnicky why fencing was deemed necessary on these 2 lots. Mr. Lipnicky said honestly he did not know, noting Ms. Saatman had the same question and was not sure why fencing was required. He further noted she did not feel the fencing would be necessary and might be a

detriment in terms of allowing the plant material to grow properly. He said in their view the fencing would not serve a big purpose. Mr. Lenhardt said the existing landscaping seems to be adequate for some of the other homes. Mr. Lipnicky agreed.

The motion was made by Mr. Plummer and seconded by Mr. Lenhardt to declare the SEQR a Type II action and approve the amendment to the Building Project Approval for Terramere as recommended by the Planning Department. The motion was passed by the following vote:

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

Noes: None.

Absent: None.

The next item was a presentation regarding a proposed Water District Extension and Sewer District Extension for outer Orchard Street – Orchard Estates Subdivision and consider a proposed agreement with NYS Dept. of Environmental Conservation, as well as, setting public hearings regarding the Extensions.

Mr. E. Gray Watkins, one of the partners in Orchard Street Associates, said they found out about a beautiful piece of land in 1988 or 1989 from one of the partners. It was for sale and they purchased the land, he said. He said it has been 12 or 13 years ago and they realized it is very difficult to find a well to produce an adequate supply of potable water, and that some lots might have a problem which lead to the development of the project to its present state which is approved as a subdivision with large lots, 11 in total on 42 acres. He said the water and sewer services are the topics for this meeting. He said the water service at this time is at the northerly end of the project. He said what is required for water service is to bring the water main around the perimeter of Orchard Street to serve laterals going to each of the 11 lots. He said the sewer line ends further up on Orchard Street at Fisher Boulevard. He noted this was for the Cedar Ridge development. He said they would have to bring that down across Orchard and extend it around to the project.

Mr. Watkins said in the course of the last 4, to 6 years as it became obvious that the 4, now 3 partners did not have endless deep pockets, they ran into a wall and sought additional partners for a while to bring in additional money to do this. He said the math was simple with the original idea of a small number of large lots as desirable as they may be and what was paid for the land and the other expenses, if they added the cost to doing the water and sewer it would be a matter of how much money they were loosing not how much can they make. He said thankfully whether they waited long enough, but 2 years ago they were contacted by the Department of Environmental Conservation and asked what they were doing. He said they noted they had some problems at the Five Rivers facility and asked the status of the project. He said the bottom line is that they got a commitment from DEC to share part of the expense of bringing the water and sewer around and extending it to their facility. He said he thinks this would be a real asset to the community.

Mr. Watkins introduced Mr. Don Tuxill who is with DEC and noted he will speak further about their plans. He said their cost sharing is really what has made this proposal possible. He said they are here to make a formal request to extend the water and sewer districts and encompass these improvements within the extended Water and Sewer Districts.

Mr. Watkins also introduced Mr. Johannessen of Boutelle and Sons who has been with this project and will answer any technical questions. He said Mr. Secor has also been working on this proposal as well.

Mr. Johannessen gave information regarding the project and its location along Orchard Street. He displayed a map which showed the extension of the water

and sewer districts with color coding. He indicated the location of Delaware Avenue and Game Farm Road for location of the Five Rivers facility. He also noted the surrounding properties and the boundary of the Town of Bethlehem. He said an 8 inch water main is proposed extending around the southerly portion of Orchard Street and terminating at the Destefanos property line. He said that would include a number of fire hydrants for fire protection. Mr. Johannessen said the reports have additional information in them, however, the Town water system is sufficient to provide the anticipated flows that will be generated in this district. He said the report indicates an additional 4,000 gallons per day demand. He said there will be an additional 8,000 gallons per day demanded by the Five Rivers facility.

Councilman Plummer asked why the line would not be completed to Delaware Turnpike. Mr. Johannessen said what is driving the Water District extension is the service of the approved subdivision, Orchard Estates, and the subdivision ends at this property line. Councilman Plummer asked when they say it will be picked up at a later date, further asking if they are speculating that somebody else will want that to happen or is there a plan. Mr. Secor said included in the information for the Town Board, is a copy of a letter that is quite old that indicates residents beyond the end of the proposed subdivision were interested in water. Unfortunately, he said, because this has never come to fruition, until the water main gets this far, they cannot start talking to people. He said any expense to bring the water main from the proposed subdivision out to Delaware Avenue, would be borne by the residents. He said there is no reason to get this going until this proposal is in place.

Mr. Secor said the problem with this situation is that you could look at this as a district improvement to go out and try and get public bonds but it is all vacant land. He explained that if this was proposed to the New York State Comptroller's office, they would say where is the assessed valuation if you are going to start putting public bonds to this. He said if you do not have the assessed valuation, it is like a catch 22, you either have to have the developer post additional bonding to secure the debt or let the developer put in what he can and then the existing valuation is there and they can choose to do this or not. He said this is an odd situation.

Councilman Plummer asked if the same would apply to the people on the other side of Orchard Street that can take the water and sewer. Mr. Secor said they are lucky folks because they are getting the water main put in front of their house at no expense to them. So, he said for the people who live across the street from the subdivision, when this water line is put through they would be in the water district and eligible for service and all they have to pay for is their own tapping fee and there is a small building permit because they have to verify that they have disconnected from the well and there is no cross connection. Councilman Plummer again asked if this was being done differently than a typical expansion of a water district where people will benefit from it and through an ad valorem basis would pay for it. Mr. Secor said this was correct. Mr. Plummer said these individuals are not going to be able to get the water initially and are not going to be charged anything because it will be limited to the developer only. Mr. Secor said yes, as far as, the construction. If it turns out they go into the district, Mr. Secor said, they would be subject to the Water District general tax because they are in the district and eligible for service. Mr. Plummer said they only go into the district if the main is extended out to Delaware Avenue. Mr. Secor said it costs about \$8,000 to \$10,000 for the paperwork to get a district in place. He said if the district is cut off now at the end of the development, and the next person comes in and wants water service, they have to get an engineer's map, plan and report and have a public hearing. He said they have to put them through \$6,000 or \$8,000 or \$10,000 worth of paperwork to put 100 feet of pipe in the ground. He said by putting them in the district, the cost of preparing the engineer's map, plan and report is basically the same but you take in just his 40 acres for all the rest of the land. For the land across the street, Mr. Secor said, it goes back to the question of are all of the properties benefited included in the district and are all of the properties included in the district benefited. The further question is whether they should be included in

the district or not, Mr. Secor said. He mentioned that if they are included in the district, the \$10,000 in paperwork is then saved and they are then eligible for service. He said he is not sure everyone will be interested in service. He said one resident is interested and keeps inquiring about the service and said he will pay for the installation. Mr. Secor said it does get more complicated going across the power line property to Delaware Avenue due to houses being on one side of the road.

Mr. Secor said there are some black and white questions and answers but in this instance what is being recommended is to go ahead and include the properties because they are benefited because they have fire protection. He said they are also benefited because they are in the district now and are eligible for water for the price of extending the pipeline. He said in North Bethlehem it was an extension which was a bonded indebtedness and was paid off in 30 year bonds and everybody got service at the same time. He noted there was also a lot of development in that area to support the issuance of the bonds.

Councilman Burns asked about the location of the connection for Five Rivers facility. Mr. Secor said it is at the corner of the Tates property.

Mr. Johannessen next addressed the extension to the Sewer District. He indicated the location on the exhibited map. He said the Sewer District is confined to the Orchard Estates subdivision, the 11 lots that have been approved. He noted the closest connection is on Fisher Boulevard, noting a low pressure force main will be run from that manhole along the length of Orchard Street on the south side. He said this will terminate at the same boundary as the water main. He said each home will be required at their own expense to have installed individual grinder pumps. He said this forces the wastewater into the system so that once this is installed it will be exclusively at the developer's expense. He said once it is built and approved it will be part of the Town's sewer system. Mention was made that the conclusion of the report is that there is no difficulty for the existing system to handle any additional flows that will be generated as a result of extending the sewer district for this subdivision. He said there is a pump station on Delaware Avenue which has capacity for the additional flows and winds up eventually at the treatment plant down in Cedar Hill. The plant has no problem with handling the additional flows, according to Mr. Johannessen.

Mr. Donald E. Tuxill from the NYS Department of Environmental Conservation said he works in the Division of Operations and Design Construction. He said there is a need for this connection at Five Rivers, noting they are currently on bottled water due to the failure of water quality at the wells there. He said what they are looking to do is establish a contractual relationship with the Town to obtain water and sewer service. He said the sewer that will be constructed will be entirely at their expense, maintained at their expense and once it leaves the right-of-way, they own it.

Mr. Tuxill noted there will be a meter that will be used to monitor the amount of water flows. He said it will be placed on their property and they plan to establish a 6 inch waterline so they have hydrant protection for the facility. He said there will be a 3 inch forced main which will then taper down as it goes through the facility which will be on the same capable system that is being designed to serve the new development. He said the main will end at the wildlife lab to provide water and sewage to their facility. He said they will be a private user of the services. He said they are in the process of getting the approvals from the regulatory authorities for this. He said the fee structure will be subject to an agreement between the Town of Bethlehem and the State of New York.

Councilman Burns asked why this pipe is a 6 inch when the other is an 8 inch. Mr. Tuxill said they have the lesser requirement. He said the 8 inch is feeding a larger area. He said the 6 inch is actually more than they need but it gives hydrant protection for the facility.

Councilman Davis asked Mr. Secor if he was just talking about the residents outside the area that will be serviced by the new Sewer District. Mr. Secor said that was correct. Mrs. Davis noted the homes up to that boundary are not an issue, but the ones outside it. Mr. Secor said in the Memorandum to the Board, he pointed out the boundary was being proposed only for the subdivision. He said the basic thing is the cost of the grinder pumps. He said under the State Health law if a gravity sewer were to be built, the law says once the gravity sewer system is in place, residents are supposed to connect within 90 days. He said in the instance of the pressure sewer and grinder pumps, if the gravity sewer is going by it might cost the owner \$1,000 to \$1,500 to hook-up. He said you have to decide and the pump is about the size of a washing machine or a little larger and is housed in the enclosure and the wastewater comes and it has to be ground and then pumped out. The units cost \$3,000 to \$5,000 just to buy the pump, Mr. Secor said, indicating you have to have the power to be able to run it. He said residents have to dig up or fill it in their septic systems. He said the tank has to be pumped out and filled with sand or some other fill so it does not collapse. He said historically the grinder pumps have cost 5 to 10 times more to hook-up as with a simple gravity connection.

Mr. Secor said back in the 1980s, 1970s when the last major Sewer District was done, the system became the Town of Bethlehem's and we own, operate and maintain about 90 grinder pumps – noting hopefully they will not take any more over. He said these pumps will be owned, operated and maintained by the homeowners.

Mr. Secor said the Board has a lot of discretion on how these boundaries are set and what they want to do with this. He said this is their recommendation to the Board including the response from people in the area.

Mr. Secor said there are no decisions being made tonight, they are just asking that a public hearing be set to get the residents in and give them a chance to give information to the Board. He said there will probably not be a decision that night but in March by the time the contracts are in the right form and all the other resolutions are prepared. He said there will be plenty of time to discuss this proposal with the homeowners and people to get more information. He said this is to put the engineer's map, plan and report on file with the Town Clerk and make the public aware that they are available for them to look at and inviting them to a public hearing. He said the hearing will be held February 28 if the Board approves this.

Supervisor Fuller said the first item would be to set a public hearing for the Water District and Sewer District of the Town of Bethlehem for an extension for outer Orchard Street – Orchard Estates Subdivision on February 28, 2001 at 7:30 p.m.

The motion was made by Mrs. Davis and seconded by Mr. Plummer to approve setting a public hearing for an extension to Bethlehem Water District for outer Orchard Street – Orchard Estates Subdivision on February 28, 2001 at 7:30 p.m. The motion was passed by the following vote:

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

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The motion was made by Mr. Lenhardt and seconded by Ms. Burns to approve setting a public hearing for an extension to Bethlehem Sewer District for outer Orchard Street – Orchard Estates Subdivision on February 28, 2001 at 7:45 p.m. The motion was passed by the following vote:

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

Absent: None.

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Mention was made that there is no action to be taken on the Service Contract with New York State Department of Environmental Conservation regarding the Five Rivers facility. Mr. Secor noted this was the first draft. He said they will return with a better document.

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Councilman Davis inquired about a small cemetery located on one of the lots. Mr. Watkins indicated the cemetery is part of one lot and there can be no construction within 100 feet of the cemetery. The driveway cannot be any closer than 30 or 40 feet and there was a general statement to the effect that there is to be no disturbance to the cemetery at all. He said Mr. Tate takes great care of that cemetery.

The next item was to approve Town Board minutes of December 13, 2000.

The motion was made by Ms. Burns and seconded by Mr. Lenhardt to approve the Town Board minutes of December 13, 2000 as submitted. The motion was passed by the following vote:

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

Supervisor Fuller asked if anyone wished to address the Board from the audience. No one spoke.

Councilman Plummer said he wanted to give some information for consideration. He said there has been a lot of talk about moving forward now that the Rural Landowners have come forward with a plan and to talk about developing a land use plan now that Mr. Flanigan is going to be focusing on that and there are a number of zoning issues and the 4 corners overlay district proposal. He thought for consideration it would be a good idea to talk about the process and how that can be advanced. He said it would be productive if the Planning Board and the Town Planner and Building Department, as well as, other appropriate Town officials bring forth some recommendations on how this can be moved forward to address some of the issues. He said in his mind he would envision some kind of a formal working group of some fashion that would start off with a draft and then set up a number of public meetings to start the process. He said he thinks there is going to be a need for something more formal.

Supervisor Fuller noted there is a Town Attorney now and Mr. Flanigan will be consulting in regard to this and this can be started pretty soon. She said she hopes that the 4 corners will be on the agenda of the 14th of February and begin with that information. She said all the information has been turned over to the Town Attorney for review. She said he will have some recommendations on that as well.

Councilman Burns said her comment relates to the presentation this evening regarding the Water Extension public hearing. She said in December there was discussion of another water extension in another part of Town and now this proposal. She said many months prior to December there was another request that was approved also. She said there seems to be a bunch of them and she does not have a clear sense of an overall plan of exactly what the plan is for the next year, 2 or 3. She said they seem to come up piecemeal and she asked if something could be brought to the Board regarding the bigger picture noting this would be helpful. Mr. Secor said he can do that but just in general, in the past, Water District

extensions were driven by getting water to people who were existing residents and needed water. He said pretty much all of the major populated areas have water. He said probably 80 to 90 percent of the populated portions of the Town are in the Water District. He said what is coming forward now are developer driven, where it is areas outside the district that are in for development and there may be some existing homes along the way that are picked up. He said there is not a push from the Water District itself to do any expansions. He said they are in a reactive mode of taking areas that are in for development. He said there are 7 or 8 water extensions that are one form or another being processed and they should come to the Board. He said most of them are very small areas that are basically development driven. He mentioned one area is North Street where vacant land exists.

Mr. Secor noted there is nothing going on from the District in terms of major movements for closing loops or reinforcement, these are all development driven. He said he can provide a summary list but they are basically all areas that are coming in from developers. He said the one area that they tried to do that failed was lower Elm Avenue where they tried to go beyond Elm Avenue East but 25 percent of the residents would not sign the petition. He said it was not something that they could bring forward because they have to have at least 60 percent of the residents interested in order to get consideration of an extension.

Councilman Burns thanked Mr. Secor.

Supervisor Fuller asked for a motion to adjourn to Executive Session to a discuss personnel matter.

The motion was made by Mrs. Davis and seconded by Ms. Burns to approve adjourning to Executive Session following the close of the regular Town Board meeting to discuss a personnel matter. The motion was passed by the following vote:

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

The motion was made by Mr. Lenhardt and seconded by Mrs. Davis to adjourn the regular Town Board meeting at 8:47 p.m. The motion was carried by the following vote:

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

Town Clerk

EXECUTIVE SESSION

There was no formal action taken at the Executive Session.