

TOWN BOARD  
JANUARY 25, 1995

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  
Frederick C. Webster, Councilman  
George Lenhardt, Councilman  
Freeman T. Putney, Councilman  
Doris M. Davis, Councilman  
Bernard Kaplowitz, Esq., Town Attorney  
Kathleen A. Newkirk, Town Clerk

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Resolution  
to complete  
grant  
application  
for EPA funding

The Supervisor welcomed everyone to the regular meeting of the Bethlehem Town Board. The first item was a request from David Austin, Administrator, Parks & Recreation Department, for adoption of a resolution to complete a grant application for the Environmental Protection Act funding. Supervisor Fuller indicated this is in regard to a grant of \$41,454 to enter into and execute a project agreement with the State of New York for such financial assistance to this municipality to construct a boat launch at Henry Hudson Park.

The following resolution was presented for adoption by Mr. Putney and seconded by Mrs. Davis:

RESOLVED:

That Sheila Fuller, as Supervisor of the Town of Bethlehem, is authorized and directed by the Town Board to file an application on forms prescribed by the New York State Office of parks, Recreation and Historic Preservation for financial assistance in accordance with the provision of Title 9 of the Environmental Protection Act of 1993, in an amount not to exceed \$41,454 and upon approval of said request to enter into and execute a project agreement with the State for such financial assistance to this municipality for construction of a boat launch at Henry Hudson Park.

The motion was adopted by the following vote:

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

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Councilman Webster commended Mr. Austin for the follow-up to the Senate for possible funds later on in the summer to make this a real possibility. Mr. Austin thanked Councilman Webster. Councilwoman Davis said Mr. Austin put a lot of work into this project and she appreciated it. Supervisor Fuller indicated Mr. Austin is working very hard to find money all over. Mr. Austin said this was correct and it is not easy to come by. Councilwoman Davis said the many people who requested a boat launch will appreciate Mr. Austin's efforts.

Approve  
Minutes  
12/14, 12/28,  
1994 and  
1/3/95

The next item was to approve the Town Board minutes of December 14, 1994; December 28, 1994; and January 3, 1995.

The motion was made by Mr. Lenhardt and seconded by Mr. Webster to approve the Town Board minutes of December 14, 1994; December 28, 1994; and January 3, 1995 as prepared by the Town Clerk. The motion was passed by the following vote:

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

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

Approve  
Seasonal  
Personnel  
Parks & Rec.  
Dept.

The motion was made by Mrs. Davis and seconded by Mr. Webster to approve the following seasonal appointments:

Recreation Instruction I at a rate of \$4.60 per hour:

Jennifer Browe	Nicole Roth
42 Fairlawn Drive	89 McGuffey Lane
Selkirk, NY 12158	Delmar, NY 12054

Recreation Instruction III at a rate of \$9.50 per hour:

Christine Corson  
89 Brockley Drive  
Delmar, NY 12054

Recreation Supervisor I at a rate of \$5.00 per hour:

Paul A. Morrell	Brett Burke
59 Hancock Drive	5 Union Avenue
Glenmont, NY 12077	Delmar, NY 12054

The motion was passed by the following vote:

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

The next item was a request from Highway Superintendent, Gregg Sagendorph, for approval to go to bid for the hiring of a company for a Household Hazardous Waste Collection Day for Town residents proposed for mid-May 1995. This will be a cooperative effort with other municipalities. The Supervisor explained there was money put in the budget for 1995 to help defray the cost of this day.

Go To Bid  
Household  
Hazardous  
Waste  
Company

The motion was made by Mrs. Davis and seconded by Mr. Putney to approve going to bid for hiring of a company for a Household Hazardous Waste Collection Day for Town residents proposed for mid-May 1995. The motion was passed by the following vote:

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

Councilman Lenhardt asked if paint would be a part of this collection. Mr. Sagendorph said tentative plans are for paint to be included. He said they cannot have definite plans until they get a company on board. He said Passonno Paints will probably participate. Councilwoman Davis said she cannot remember how many people have asked her about hazardous waste collection. She said they will be very happy. Supervisor Fuller said people have been asking over the last few years. Mrs. Davis said people are really interested in this. She said they were very grateful for the latex paint recycling but she thinks they are looking forward to this. She also indicated Sharon Fisher deserves a lot of credit for this. Supervisor Fuller thanked Sharon for her help.

The next item was a request from Highway Superintendent, Gregg Sagendorph, for approval of award of bid for gasoline and diesel fuel.

Award Bid  
Gasoline  
and  
Diesel Fuel

The motion was made by Mr. Webster and seconded by Mr. Putney to approve the award of gasoline and diesel fuel to Long Oil Heat, Inc. of Albany, NY, the low bidder at a total bid price of \$122,240. The motion was passed by the following vote:

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

Award Bid  
Fuel Oil

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The following item was a request from Gregg Sagendorph, Highway Superintendent, for award of bid for fuel oil.

The motion was made by Mr. Lenhardt and seconded by Mrs. Davis to approve the award of bid for fuel oil to Long Oil Heat, Inc. of Albany, NY, the low bidder at a price of \$.5690 per gallon. The motion was passed by the following vote:

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

Approve  
Utility  
Easement to  
A-R Cable  
Services, Inc.

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The next item was a recommendation from Michael Cirillo, Engineering Services Administrator, for approval of utility easement to A-R Cable Services, Inc., a Massachusetts Corporation. Supervisor Fuller indicated this is in regard to the upgrade for installation of a fiber optic cable crossing the Hudson River between the Town of Bethlehem and the Village of Castleton. She noted in regard to the Town's franchise agreement, allowance easements to the cable company in exchange for receipt of 5 percent of their subscriber's fees which totaled about \$125,000 for 1994 was required.

The motion was made by Mr. Webster and seconded by Mr. Lenhardt to approve a permanent utility easement for cable crossing, A-R Cable Services, Inc., a Massachusetts Corporation, for crossing of the Hudson River at Henry Hudson Park, Cedar Hill, Selkirk. The motion was passed by the following vote:

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

Annual Report  
Parks & Rec.  
Dept.

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Supervisor Fuller next acknowledged receipt of the Annual Report of the Parks & Recreation Department from Administrator, David Austin, for information purposes.

Supervisor Fuller thanked Mr. Austin indicating it was a wealth of information and certainly the parks are well used. Councilwoman Davis thanked Mr. Austin for the graphics, indicating it was fun reading.

Appoint  
Planning  
Board Member

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The following item was a recommendation by Supervisor Fuller for the appointment of Patrick Reed, Selkirk, NY to the position of Member of the Planning Board to replace Mr. Martin Barr whose term had expired. Supervisor Fuller said Patrick was one of several candidates. She noted it was a very difficult decision and indicated they feel very fortunate that Mr. Reed is willing to serve.

The motion was made by Mr. Putney and seconded by Mr. Webster to approve the appointment of Patrick Reed, 186 Maple Avenue, Selkirk, NY to the position of Member, Town of Bethlehem Planning Board effective immediately. The motion was passed by the following vote:

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

Supervisor Fuller thanked Mr. Reed.

The Supervisor asked if anyone wished to address the Board.

The following was requested to be verbatim.

MR. DUCLOS: Several of you may know that Clearwater had a meeting on Sunday and as per his habit, Mr. Secor showed up. And, can we put this on the record too, Kathy, please.

Discussion  
Water Issue

TOWN CLERK NEWKIRK: Yes, please come up to the microphone just so it is clear on the tape. If anyone else speaks, please identify yourself first.

MR. DUCLOS: I am Joe Duclos from North Street and shall I repeat that?

TOWN CLERK NEWKIRK: No, that is fine.

MR. DUCLOS: Okay. As I said, Mr. Secor showed up at our meeting Sunday and it wasn't our intention to get into anything with him because we had speakers from Waterford talking about their water problem with GE and the Hudson. But, rumor had it that Mr. Secor and I don't know who else, was it you, Sheila, met with Albany last week, week before about the water?

SUPERVISOR FULLER: Myself and Mayor Jennings have been meeting for a while.

MR. DUCLOS: Okay. Well, Bruce, was at a meeting -- I don't know who it was with.

SUPERVISOR FULLER: Bruce was with me last week.

MR. DUCLOS: Is it true that Albany offered Bethlehem water for Albany city rates for as long as we want it?

SUPERVISOR FULLER: I am not negotiating in public. Mayor Jennings and I have an agreement that we will be working together and have been for quite a while.

MR. DUCLOS: Well, Bruce told us...

SUPERVISOR FULLER: And, when I have some news, I will be glad to release it. No one will be happier than I will.

MR. DUCLOS: All right. Well, Bruce said, because I asked him the same question, except for the part about forever, as far as contract negotiations go. But, he said that Albany offered water for \$1.63, \$1.66 which is the same price as it is right now and it is for as long as we want it. So, what we would like to know is, why is so much effort being put in to opposing our stance and what is the motivation. If the citizens don't want this and if status quo will remain with Albany, is it a political thing? What is it? What is going on?

SUPERVISOR FULLER: Mr. Duclos, as I said, I have been negotiating with Mayor Jennings and whatever took place Sunday at the library is not something that I sent over to the library. Mr. Secor was at your meeting. Mr. Secor is in the back of the room.

MR. SECOR: May I speak?

SUPERVISOR FULLER: I do not wish to negotiate in public. Is there something...

MR. DUCLOS: We just want to know what is going on. We're the ones who are on the... we're the end users of this thing.

SUPERVISOR FULLER: Mr. Duclos, I will be glad to let you know what is going on, as soon as I am free to tell you what is going on. Negotiations are ongoing.

MR. DUCLOS: Okay.

SUPERVISOR FULLER: And, that is all that I am at liberty to say at this time.

MR. DUCLOS: Is the plant going to continue?

COUNCILMAN WEBSTER: Is the what?

MR. DUCLOS: Is the plant going to continue in construction?

SUPERVISOR FULLER: Yes.

MR. DUCLOS: Okay.

SUPERVISOR FULLER: The plant is well on its way in construction.

MR. DUCLOS: Thank you very much.

SUPERVISOR FULLER: You are welcome.

MR. SECOR: May I just speak for one thing. What I was responding to was a specific question that was asked -- what was the current rate of our purchase of Albany water and I said it was \$1.66 per thousand. That is what I was trying to respond to.

MR. DUCLOS: That is not what I asked you, Bruce.

MR. SECOR: Well, then I misunderstood your question. But, the question that I thought was asked was what is the current rate. And, that is what I was responding to. This must have been a misunderstanding.

MRS. BURTIS: Well, we have it on video and the question...

SUPERVISOR FULLER: Please come to the microphone Linda.

MRS. BURTIS: Sure.

SUPERVISOR FULLER: Excuse me just a minute. I really would like if there are questions or concerns, if this is something that you have come in to ask about a meeting that Bruce Secor attended, I don't think that is fair to the Town Board. I would be glad to meet with any of you tomorrow. This doesn't have to be in the public arena.

MR. DUCLOS: It is public. It is your responsibility, each and every one of you.

SUPERVISOR FULLER: Responsibility for what?

MR. DUCLOS: Don't slough it off that easily.

SUPERVISOR FULLER: Wait a minute, Joe, I am not sloughing anything off.

ATTORNEY KAPLOWITZ: Oh, come on, grow up.

SUPERVISOR FULLER: Joe, please understand what I have said. The Mayor and I had an agreement a long time ago, we will be negotiating. It will not be in the public arena. I have everyone's interest...

MRS. BURTIS: You said in the public arena and you are quoted in the Times Union a few months ago as saying you have no intention to buy water from Albany. Now, we are hearing second hand, that there was a meeting, last Wednesday with the Mayor and with the Chairman of the Water Board with you and with Mr. Secor. Bruce Secor told us this Sunday and...

MR. SECOR: Not true.

MRS. BURTIS: He said that Albany... a question was asked of Mr. Secor was an offer made from Albany? We have been asking this for months of the Town, why an offer hasn't been made. Mr. Secor said an offer hasn't been made. Well, we found out from sources that an offer has been made and we think that it is wrong in the Town to

practice one... say one thing to one place and say another thing to another place. Let this be open and honest. An offer was made by the City of Albany to sell water to Bethlehem residents for the same rate that the City residents get, \$1.66. But, Mr. Secor told us on Sunday and it is showing on Channel 31 as we speak that no offer was made. This is wrong. Also we learned that you told the Mayor that the plant would be done in August but you told us 3 days ago the plant won't be done until the end of the year. Now, it is wrong to say one thing to one group and another thing to another group. So, what we are asking for... first of all is clarification from this issue but it raises the larger issue if you are talking to Albany that means that what you have been telling us is impossible, is possible. It means that it is possible to separate the drinking water piece out of the new water plant and have the residents not drink water from the Hudson River. Otherwise, what other conclusion can we draw for why you would be meeting with Albany. That is... we would like to talk about the remarks that Mr. Secor said and I would like to talk about not saying one thing to one group and another thing to another group and then I would like to speak about the larger issue of what about listening to the residents. Mr. Secor used the word a number of times, falling on deaf ears. What... the concerns in this room are not falling on deaf ears. Everything that we have done in the last year and a half has fallen on deaf ears. You haven't done one movement... we are talking about compromise, we are not talking about giving up the plant.

SUPERVISOR FULLER: Linda, you have no idea what my movement is. Or, do you know what the Town Board's movement is.

MRS. BURTIS: But, I have a right to know that.

SUPERVISOR FULLER: You will, Linda, as soon as I am free to.

MRS. BURTIS: No, I have a right to be part of...

SUPERVISOR FULLER: Well, I am sorry, no, you do not.

ATTORNEY KAPLOWITZ: No you absolutely don't.

COUNCILMAN PUTNEY: No, you don't. No way.

MRS. CAPONE: I was there and Bruce Secor said 50 percent of the....

SUPERVISOR FULLER: Excuse me, Marie, please. Linda, I will be glad to let you and the community know as soon as I know. I will be glad to tell you that. You need to understand that Mr. Secor is not speaking for the Town Board.

MRS. BURTIS: Mr. Secor said on Sunday, 3 days ago, that he is looking into it. I said to him, does that mean... what we are saying is not falling on deaf ears... does not mean that you can separate out the drinking water piece from the new water system and he said we are looking into it. Now, this is a Town Board meeting and we all support open government. So, what does looking into it mean?

SUPERVISOR FULLER: Linda, we are looking into it. We have been looking into it.

MRS. BURTIS: What does that mean, Sheila? Does that mean that it is possible to do what you have told us is impossible which is to separate out the drinking water piece?

SUPERVISOR FULLER: I am not going to tell you that here tonight.

MRS. BURTIS: Which is what most of the Town wants to be done.

SUPERVISOR FULLER: I am not going to tell you that here tonight, Linda.

MRS. BURTIS: Why not?

SUPERVISOR FULLER: Because I am working...

MRS. BURTIS: You are spending money every day to build this plant. You are moving along, you are costing us... we are the taxpayers supporting this. Why can't we talk about...

SUPERVISOR FULLER: And, Linda, the taxpayers is what I am concerned about, the entire community, all of us are concerned about. You know and it and we know it or we both wouldn't still be debating this issue.

MRS. BURTIS: Why are you talking to Albany? If it is impossible to take the drinking water piece out of the new water system, why are you meeting with Albany to talk about price of water that Albany could sell to us?

SUPERVISOR FULLER: We need to have a contract in place with Albany, as you well know, our contract with Albany has been cancelled, effective August.

MRS. BURTIS: Well, Bruce told me last Wednesday that the plant will be done by August. So, you don't need a contract, the contract goes until August. So, you are covered. You are talking with Albany, Sheila, we can... this is too important... we are talking about drinking water, talking about an issue that concerns an army of 6,718 people in this Town...

SUPERVISOR FULLER: I understand, Linda.

MRS. BURTIS: Okay, so let's talk about it openly. You must be meeting with Albany for some purpose and the purpose must be to see if you can buy water from Albany which then these people can conclude, ah ha, what you have said can be done, can be done... you can pull the drinking...

SUPERVISOR FULLER: It is negotiating a contract with Albany.

MRS. BURTIS: You can pull the drinking water piece out of the new system. Bruce said, I specifically said to Mr. Secor and we have it on video, what... is that what that means and Mr. Secor said we are looking into it. So, now what has happened is, this group that has worked long and hard for a year and a half, citizen activists taking a lot of heat from this Town Board, been called nasty things, been... had to put up with all the things that citizen activists put up with who are working on their own time and giving up family time to do that, our hopes are now raised. It looks as though there is light at the end of the tunnel and what we are asking for and this would help, if you could give us this hope tonight...

SUPERVISOR FULLER: I will give you the hope as soon as I know.

MRS. BURTIS: ... that it is possible...

SUPERVISOR FULLER: Anything is possible, Linda.

MRS. BURTIS: All right, then let me say this. Albany is willing to sell us water for \$1.66 per thousand gallons.

SUPERVISOR FULLER: I have not been told that, Linda. I have not been told that and I am not negotiating in the public.

MR. DUCLOS: Has Secor been told that?

SUPERVISOR FULLER: I don't know.

MR. DUCLOS: Have you been told that?

MR. SECOR: No and that is not the answer I gave you. That is not the question that was asked.

MR. DUCLOS: Well, Bruce, you are rolling over because you slipped something Sunday.

MRS. BURTIS: Right, you didn't give us that answer but we have that answer from another source.

MR. DUCLOS: Don't pull that stunt.

MRS. BURTIS: Albany is willing... okay I will say it here right now. Let's get past this... Albany is willing to sell you water... sell the Town of Bethlehem water for \$1.66 per thousand gallons, okay. Let the people in Town know that and let them have some... a chance to have some input. Applause. It is not 1938 and this is not England against Germany, I mean this is Albany and city of Bethlehem. All we have to do is sit down at a meeting... I understand that the offer that Bethlehem made was \$1.43 per thousand gallons. We are not even paying that now. We are paying \$1.66 per thousand gallons. So, what is in the way of just accepting that offer from Albany?

MR. DUCLOS: What is the motivation for fighting so hard?

SUPERVISOR FULLER: Wait a minute, I don't know where the information is coming from but you have different information than I have and that is all I am going to say.

MRS. BURTIS: You are saying now, in public, that Albany has not made you an offer.

SUPERVISOR FULLER: That is correct.

MRS. BURTIS: Albany tells us they have made an offer of \$1.66 per thousand gallons. So, it is the same problem that we had... Bruce is saying one thing to us and another thing to the City of Albany. We also understand that you told the City of Albany... the question was asked, when will the plant be built and it was told to the City the plant would be done in August.

SUPERVISOR FULLER: The City of Albany has not asked me that question, Linda, but thank you for telling me that they have. They have not asked that question.

MRS. BURTIS: Well, I was told... when will the plant be done? When will we be turning on our faucets and have drinking water that comes from the Hudson River -- in August or December of 1995?

MR. PUTNEY: Never.

MRS. BURTIS: Oh, come on.

AUDIENCE: What does that mean?

MR. DUCLOS: Yes, what does that mean?

MR. KELLEHER: This isn't a joke.

MR. DUCLOS: This isn't a laughing matter, Mr. Putney.

GENTLEMAN: What does that mean?

SUPERVISOR FULLER: Wait a minute, let's not get all exercised here. I wish.

MR. DUCLOS: Can I explain to you why this is such a serious matter.

SUPERVISOR FULLER: Do you realize...

MR. DUCLOS: Ozone treatment does not filter out carcinogens, mutagens, or neurotoxins. That makes me nervous, I don't know about you. You can drink it all you want but I am not going to drink it. Applause.

MRS. CAPONE: I was there Sunday with Bruce. When they asked him when the plant will be completed he said it is 50 percent completed. That is what he said. Wasn't it Bruce?

MR. SECOR: Yes.

MRS. BURTIS: And, it would be completed by the end of the year. That was the rest of his...

MRS. CAPONE: He did not say that.

MRS. BURTIS: Check it right now, it is running on Channel 31.

SUPERVISOR FULLER: Excuse me, let's not debate what transpired on a meeting on Sunday that none of us were at to start with.

MRS. BURTIS: The point is that we are constantly in a position of opposition against the Town Board and...

SUPERVISOR FULLER: You are not in a position of opposition, Linda, unless you have chosen to call it opposition.

MRS. BURTIS: Everything that we said was going...

MR. DUCLOS: But, Sheila, when Bernie Kaplowitz tells me to grow up... what do you call that? Is that responsible government? That is an arrogant, political individual.

ATTORNEY KAPLOWITZ: It is good judgement.

GENTLEMAN: That is just the way you treated us last July.

MR. DUCLOS: There is no room for that, Kaplowitz, none at all.

SUPERVISOR FULLER: Excuse me, everyone, please I would that we just extend at least common courtesy to each other. There is no reason to get into a shouting match. I will be glad to meet with anyone of you, the whole group of you, but let's at least speak.

MR. GLAZER: I will do as you requested and come to the microphone and try to at least get on the record and calm things down here a little bit. The name is Joseph Glazer. I live here in Delmar. I know this because I have done this part before. I guess maybe where the problem stems from and Sheila, you can probably answer this better than anyone else. Bruce was at a meeting on Sunday, made statements to a public group with a video tape running about meetings go on and these kinds of things. Are you in a sense then telling us that Bruce did that of his own volition without your authorization, without your knowledge, etc?

SUPERVISOR FULLER: That is correct.

MR. GLAZER: So then when...

SUPERVISOR FULLER: Bruce is free to do anything he wants to do I would guess. Bruce attended a meeting, that is Bruce's choice.

MR. GLAZER: But, if he is giving away secrets of ongoing negotiation and giving us information or possibly partial information that is causing this to happen, wouldn't we all be better served by putting our cards on the table a little more forthrightly. Other than the fact that it really makes it look as though you are presiding over camp run-a-muck, we need to deal with this in a one-on-one fashion. And, that is why, I think, the people are here tonight saying we want to deal with you. You are the Town Supervisor. People voted for you. Not a single person voted for Bruce Secor. You are our elected official. You work for us, we work together. We are here to talk to you. We don't want to talk to Bruce. We feel that Bruce isn't being straight with us. We are here because you are the person who should in the end be making the decisions and working with us. And, that is why we have come to the head we have tonight.

SUPERVISOR FULLER: Thank you. I am the one that will be making the decisions. I and the Town Board will be making the decisions. Bruce Secor was not speaking for the Town Board or the Supervisor at the meeting on Sunday. Bruce was there on Sunday. This is the first you people have chosen to say one word about it is tonight. Negotiations have been going on with the City of Albany and they will remain with the City of Albany. As soon as I am able to, I will be able to discuss it publicly with all of you, the whole community.

MR. DUCLOS: Will that be just before the election?

SUPERVISOR FULLER: What election?

MR. DUCLOS: In November?

ATTORNEY KAPLOWITZ: Why don't you recognize and come up and speak like everybody else? That is what I am referring to. Other people, Mrs. Burtis got up and spoke, was recognized. Mr. Glazer did the same. Instead of screaming from the back of the room, come up and get recognized like everybody else and then I wouldn't have anything bad to say about you.

SUPERVISOR FULLER: That is 11 months away.

MRS. BURTIS: I would just like to finish my thoughts. Do you want me up to the microphone?

ATTORNEY KAPLOWITZ: As long as it is picking it up, it will be on the record.

MRS. BURTIS: This is all being verbatim so...

TOWN CLERK NEWKIRK: It is better to be at the microphone if you want it verbatim. Then it is clear in the microphone.

MRS. BURTIS: I would like to say then that what we have learned tonight from you, reluctantly unfortunately, is that there are negotiations...

SUPERVISOR FULLER: No, it was a courtesy... a professional courtesy extended from the Mayor of the City of Albany and the Supervisor of the Town of Bethlehem and that's who is involved, Linda.

MRS. BURTIS: Except that you are on the record, Sheila, in the newspaper as saying that you will not buy water from the City of Albany. So, for us to hear...

SUPERVISOR FULLER: Did it say what amount of water, Linda?

MRS. BURTIS: It said you would not buy water from the City of Albany. Okay, it said that that is not... you have been telling us for a year and a half that that is not an avenue that's possible to go down. And, so, I would like to say that what is on the table tonight that is extraordinary that gives us light at the end of the tunnel -- which I think makes a lot of sense -- is that it is on the table that you are in negotiations with the City of Albany to buy drinking water from the City of Albany. That means that we could separate out the drinking water piece from the new water system and have the new water system be for industry and have the current system continue the way it is. This is now on the table.

SUPERVISOR FULLER: Linda, I don't think you need to tell me what is on the table with the Mayor of Albany.

MRS. BURTIS: No, but I think we need to tell the people of the Town what is on the table, that is the point.

MRS. CAPONE: She never said that they were going to buy water from the City of Albany. She never said it.

SUPERVISOR FULLER: Linda... Linda, I will let... Marie, I will run the meeting, thank you. Linda, I said I will let the community know when I have something to tell the community.

MRS. BURTIS: But, why else would you be talking with Albany, except to buy drinking water from them.

SUPERVISOR FULLER: You would be amazed at what I talk to Albany about, Linda.

MRS. BURTIS: Yea, right. But, in this particular... in this particular situation, where there is...

SUPERVISOR FULLER: Not necessarily, Linda, this has been going on for a long time.

MRS. BURTIS: All right, then let me say this.. all right... am I wrong in thinking that it is possible to take the drinking water piece out of the new water system and continue with drinking water from the Alcove Reservoir. Have the new system be for industry along. Am I dead wrong in that position?

SUPERVISOR FULLER: Does all of the drinking water come from the Alcove Reservoir, Linda?

MRS. BURTIS: About half a million gallons a day we have a contract with the City of Albany. And, most of the water comes from the Alcove Reservoir, we are aware of that. That doesn't matter, the people in Town don't want to drink water that has anything...

SUPERVISOR FULLER: From the Vly Creek Reservoir.

MRS. BURTIS: From the Vly Creek Reservoir.

SUPERVISOR FULLER: Thank you.

MRS. BURTIS: The people in Town don't want to drink even this much water that comes from a source connected to the Hudson River. Okay, we are upset, Mr. Putney said the water is not coming from the Hudson River -- the water comes from an aquifer under the Hudson, recharged, 90 percent by the Hudson River. It has been such a struggle...

COUNCILMAN PUTNEY: That is correct.

MRS. BURTIS: That is correct, right? It has been such a struggle and this has been very sad in this community to get out on the table that this water is coming from the Hudson River. People don't care that it is coming from an aquifer. People care that the water is connected to the Hudson River and people care that that Hudson River is polluted and it has been cleaned up in 20 years but it is not a clean river and the river where we are getting the water from is class "C". It is not even as clean as the river... the section of the river in Waterford where people drink their water from. Plus, in our case, we have a double whammy... our water comes through the river bottom. Nobody ever cleaned up the river bottom. The river bottom is full of PCBs and chemicals and effluent from 6 sewage treatment plants, our very own within 500 yards of where we are taking this water. The Town of Bethlehem has built a well down stream from a cesspool. And, the people don't want that. If you are saying now, you are talking to Albany, you are giving hope out there that people can pray that in December when we turn our faucets on that water will not be coming from the Hudson River. Applause.

SUPERVISOR FULLER: Sherwood.

MRS. CAPONE: Listen, Mrs. Burtis is saying the people don't want it. She is talking about a petition with 3,000 name on it. The Town has 28,000 people. The petition is eh compared to the population of the Town.

MR. DAVIES: Sheila and Members of the Board, my name is Sherwood Davies. Cost is an issue and negotiations on cost is an issue. Within the last 2 weeks I reviewed a rather detailed report submitted by Selkirk Cogen to DEC, including their anticipated water use and on a typical average day, the amount used by Selkirk Cogen that they will purchase from the Town of Bethlehem is about 1.6 million gallons per day on average. They have protected themselves by saying they would want to purchase up to 3.4 million gallons a day. That would be an extremely unusual condition. The report is within DEC. In the calculations that was provided this Board and I am not sure who did it, in 2 years they anticipate that the average consumption purchased by Selkirk Cogen will be 2.1 million gallons a day or 33 percent more than what En Con's report indicates and in another 4 years, it will increase to 50 percent. What that says is that your revenue... the anticipated revenue will be much less than what you negotiated for. I think this is a consideration that should again be reviewed by the Board.

SUPERVISOR FULLER: Thank you, Sherwood.

COUNCILMAN PUTNEY: I have a question, if I may. Was this report that you viewed, the final application... was it the most recent thing on file?

MR. DAVIES: Well, I have the date on it. I think it is probably 3 or 4 years old but it is there and it is for anybody's review.

COUNCILMAN PUTNEY: But, to the best of your knowledge it is the latest in whatever...

MR. DAVIES: It is what DEC used to approve their waste treatment facility.

COUNCILMAN PUTNEY: Okay, thank you.

SUPERVISOR FULLER: Asked if there was anyone else who would like to address the Board.

MRS. ROYO: My name is Frances Royo and I am a resident of the Town of Bethlehem. And, I would just like to add that I think for all of us this has been a real lesson in how Town government works. And, I must say, that it is an appalling experience and I can't believe that we can't come here and get information about what is going on. Something that profoundly affects all of the residents and I think that you are letting all of us down. I don't think that you are representing us and I don't think you deserve to be sitting in those seats. Applause.

SUPERVISOR FULLER: Fran, if I may just comment on it. The issue of negotiations with Albany was requested by the Mayor of Albany. He and I agreed this would remain confidential until there was something we both could offer. That point has not been reached yet. I am not withholding information or anyone else withholding information. There is no point in discussing every step of the way. I am here to represent everyone's needs just as this Town Board is. And, that is why negotiations have been going on, Fran. That is why.

MRS. ROYO: But, Sheila, you know there is a large number of people in this Town who don't want this. The community doesn't want it and people think that it is a done deal but all of these negotiations are going on. But, publicly, and in reports that you send out in the Bethlehem report you are telling everyone how wonderful it is going to be and that's... that's deceptive, very deceptive. So, I think people should realize in the community that it is not a done deal and that this can be changed. And, we intend to change it.

SUPERVISOR FULLER: Thank you.

MRS. WALSH: My name is Joanne Walsh. I live in Selkirk. I moved into this area exactly 1 year ago December. My husband and I were not aware of the water issue when we moved here. We found out shortly afterwards and we were so sorry that we moved to the Town of Bethlehem. We will not drink Hudson River water. We will not continue to be residents of the Town of Bethlehem if this goes through. I will not have my children drinking water that I don't know what it is going to do to them in the next 20 years. I am an educated person. My husband is an educated person. We don't want grandchildren who are unable to be educated or born without parts of their body that they should have because you didn't think about what the contaminants in the Hudson River can do to children and to the unborn. We are not going to take the risk. We are not willing to take the risk. So, when we thought we made a good move to an area that had a good school system and a good town, we feel now that we may have made a mistake. And, my husband was at the July meeting. He called it a filibuster and he was extremely disappointed with this Town Board. He said you people laughed. You smirked up here and that you really considered Clearwater a joke. We don't consider it a joke and we will fight until we either win or we won't be here. Applause.

SUPERVISOR FULLER: Thank you.

MRS. CAPONE: I am glad that the water people came to the meeting. Last Town Board meeting I left with Sherwood. Sherwood on the way

out told me that you and I and 24 kids... Thank you. The last Town Board meeting Sherwood told me it is you and I and 24 kids. And, I appreciate how they don't want to hear me talk.

MR. KELLEHER: Come to the microphone.

MRS. CAPONE: Did you hear me?

MR. KELLEHER: No.

MR. MALMAN: My name is Dan Malman and I am a concerned parent and homeowner in the Town of Delmar. And, I would just like to ask the Board a... hypothetical question. You say that you are in the process of negotiation for some unknown reason for some unknown quantity of some unknown substance but assuming... just hypothetically, that you were able to come to an agreement with the City of Albany and the City of Albany says, we will sell you water in unlimited quantities for an unlimited amount of time at a price that you consider -- I don't know the economics of water per gallon but -- at a price that is considered a reasonable or fair or even bargain price say, hypothetically, if this were to happen and this was an agreement -- what would happen to the water plant on the Hudson? Would you still finish construction? Would you still use it? What would it be used for? Who is going to pay for it? Thank you.

SUPERVISOR FULLER: Is there anyone else?

MR. MALMAN: That was a question.

SUPERVISOR FULLER: The plant is under construction. Negotiations are ongoing.

MR. MALMAN: Even under that... even under the hypothetical situation that I have said, you would still complete the plant and put it into use.

SUPERVISOR FULLER: We will still need the plant for industrial use regardless of any other use.

MR. MALMAN: So, then it could be used solely for industrial use under those... in that hypothetical situation you could finish the plant and use it for purely industrial use, is that what you are saying?

SUPERVISOR FULLER: I will be the first to let you know when I know. It is not a game playing, it is negotiations with the City of Albany. Mayor Jennings and I are negotiating.

MR. DUCLOS: But, we are the pawns.

SUPERVISOR FULLER: No, nobody is the pawns. Negotiations have been going on.

MR. DUCLOS: Mr. Duclos your liver is in bad shape, we are not going to tell you what we are going to do about it or we are not going to tell you how bad it is...

SUPERVISOR FULLER: I am not practicing medicine.

MR. MALMAN: I guess what I am asking. I am just... want to know, the original excuse for building this plant -- we know that the real reason for building this plant is because industry wants it and they have ways of leaning on you whatever that is. But, the stated reason was that... oh, Albany is not going to sell us water any more... so I am just asking you -- if you had everything you could possibly ask for in terms of Albany's supply -- what becomes of that plant? Are you going to finish it? If you finish it and it is only used for industrial... is it possible to use it for only industrial use? And, if it is used only for industrial use will that industrial use pay for the dam thing or will we be paying for it and subsidizing the industrial use of that water? That is what I want to know. Applause.

SUPERVISOR FULLER: Industry will be paying for it.

MR. MALMAN: I can't afford to subsidize General Electric.

SUPERVISOR FULLER: Excuse me, I see no reason for you to shout. This has gone on for a long time, these issues... 3, 4 years, industry would be paying for the plant.

MR. DUCLOS: At how much of the tax base? What kind of a deal are they being cut?

SUPERVISOR FULLER: I don't know of any deal that has been cut.

MR. DUCLOS: They are not putting anything into the school budget.

SUPERVISOR FULLER: They are in the Ravena-Coeymans-Selkirk Central School District.

MR. DUCLOS: That isn't ours.

MR. PUTNEY: RCS is where they are located.

SUPERVISOR FULLER: They are not in Bethlehem, they are in RCS.

COUNCILMAN WEBSTER: They are not in our district. They are in RCS.

MR. DUCLOS: Oh. I see.

MRS. ROYO: How much is the plant going to cost per year to operate?

SUPERVISOR FULLER: I don't have the figure off the top of my head, Fran. I really don't. There is many things go on in Town government other than water.

MRS. ROYO: Is Bruce still here?

COUNCILMAN PUTNEY: You mentioned the matter of the cost of the water per thousand gallons and the fact that you have understood that Albany might be willing to sell at the \$1.66 which is the same cost that they deliver retail to their own people. I as a Town Board Member would be interested whenever the negotiations are complete and if and when an agreement is ever able to be presented to the Town Board as to whether the City of Albany would be willing to sell it at a wholesale rate to our taxpayers because the Town of Bethlehem is responsible for taking any outside source of water from the interconnection point and then using our own distribution system to deliver it to all of the individual users. Therefore, it would seem to me logical that in the event we ever were able to reach an agreement with the City of Albany or any other source of supply, that it would be logical to expect that any rate would be at a wholesale rate, something under that which they charge their own retail customers. Because, we would be providing the distribution system.

MR. DUCLOS: But, the best solution to that is, that is the quickest way to get Republicans running Albany. They would be cutting their own throats politically to do that. They wouldn't do that in a minute.

COUNCILMAN PUTNEY: Well, I am telling you what I feel.

SUPERVISOR FULLER: Yes.

MR. BURTON: My name is Galvin Burton. I am 14 years old and I am speaking for every teenager in this Town. When we grow up and we want to have kids, we don't want those kids dammed deformities, so stick with Albany water. Applause.

MR. GLAZER: Just a moment again to respond to Mr. Putney's comments. We have a real property tax revenues from which go into paying many of those same costs for the water district. I would believe that if we were actually using and continuing with the Albany water for residential purposes, we could really take a look at even adjusting those downward. We all... everybody in this room understands that the real property tax is extremely regressive and when you levy it on a large piece of property with the... and the best example would be a single senior citizen using minimal amounts

of water, their real property tax is costing them 5 to 10 times as much for the use of that property... for the use of that water than the neighbor next door with half a dozen kids using a lot of water and paying the same property tax rate, therefore, if we are going to look at playing with the numbers, I think we should look at the entire mix. I don't think we can be quoting figures as to what water costs us now exclusive of the real property tax that is involved. I think to do that, you are really missing the point of the biggest problem of the property tax base in the Town today. And, we have to look at the bigger picture as well, not only how it affects our 14 year olds but also our seniors living alone on a fixed income too. Thank you. Applause.

SUPERVISOR FULLER: Thank you, Joe.

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 The Supervisor asked for a motion to adjourn to Executive Session on personnel matters.

The motion was made by Mr. Lenhardt and seconded by Mr. Putney to meet in Executive Session following the regular Town Board meeting to discuss personnel matters. The motion was passed by the following vote:

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

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 The motion was made by Mr. Lenhardt and seconded by Mr. Putney to adjourn the regular Town Board meeting at 8:10 p.m. The motion was passed by the following vote:

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

*Kathleen A. Newkirk*  
 Town Clerk

EXECUTIVE SESSION

There was no formal action at the Executive Session.