

TOWN BOARD
JANUARY 29, 2002

A special 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 3:30 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

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SUPERVISOR FULLER: Good afternoon and welcome to a meeting of the Bethlehem Town Board. This is an emergency meeting has been set up as we discuss the update on our water. I would like to begin by asking you to join us in the pledge of allegiance. Mr. Secor... Mr. Secor is our Commissioner of Public Works.

MR. SECOR: Okay. Just to start with an update since the last time that we met. Our reservoir level... the last time we met was at 375.6, it is now down to 375.1 and basically 1 foot above falling into another stage in our emergency plan. In November when I reported to the Board, we were at the alert stage. In December we went into the warning stage and we are now in the emergency stage and if we don't get some precipitation or some help, we're going to fall into the disaster state.

To try to show that more graphically, this is a plot of reservoir levels over the last 20 years. The reservoir normally gets down to about 50 percent in the wintertime, it refills in the spring – as you can see from these vertical lines when there is good runoff, when there is snow pack to work with, we can gain 10 or 12 feet of water in the short course of about 10 or 12 weeks. Right now we are not looking at a situation where there is any real accumulation of snow.

In general the reservoir fills up by April or May and we have the normal draw down and then again, most years we start refilling again in the fall. This line is the 2001 line and it came down and continued on down. In November we got below the lowest point we've ever been before which was in 1985. The reservoir... and that's when I reported to the Board when we got into the alert stage. The reservoir level has continued to fall, that was the end of December. We are now over here in January, it's continuing to fall. We're at a level that we've never seen since the reservoir was built 40 years ago. This is a drought which is affecting, not only the Town of Bethlehem, but many communities around us including the City of Albany.

The primary supply of water for our Town is the Vly Creek reservoir. That's the condition that we are at, trying to do what we can to minimize use from there. We also purchase supplemental water from the City of Albany. The drought has also affected the Alcove reservoir and the City of Albany has notified us that they are going to have to reduce the water they sell to us from 1.2 million gallons a day to .6. As a historical note, I just want to point out that back in 1980 the Town of Bethlehem signed a 2 million gallon a day purchase contract with the City of Albany. In 1990 the City of Albany cancelled that contract. Supervisor Fuller was able to renegotiate a contract in 1997 for 600,000 gallons a day and last summer we submitted another contract proposal to the City of Albany for going back to the 2 million gallons a day where we were in 1980 and Albany has not responded to that contract offer at this point.

On the other side of the issue for the long term planning, for the industrial side, we had purchased some land and built a new water purification plant on Clapper Road.

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That relies on wells down along the Hudson River. Those are ground water wells that feed up to the plant and are purified and that was set up to feed the industrial area. That was designed to do 6 million gallons a day and unfortunately, it is doing less than 1 million gallons a day. The Town sued the original designers. We are now working under a settlement agreement where the people are drilling new wells at no cost to the Town. They are in the process. They have 1 well drilled that is being tested and they are presenting that information to the State Health Department and DEC on Friday. We expect that they will move forward and they've made a commitment to us to move forward as quickly as they can and those wells should be operational by the end of the year assuming they get through the permitting process. And, basically what that tells the community is what is happening to us this year is the classic Murphy's law, if it can go wrong, it will go wrong at the worst possible time in the worst possible way.

We are getting hit with the most severe drought in the history of our watershed. At the same time as we're just in the process of getting a system back up on line that will supply the industrial area and take pressure off of our reservoir supply. Further complicated by the fact that Albany has also been hit by the drought and has had to cut back on supplies.

So, that's basically where we're at. Our reservoir level, as I said, is now about 1 foot above what would make us fall into the disaster stage and it's time to make some recommendations to the Town Board beyond what we had done so far.

At the last...

SUPERVISOR FULLER: I just wanted to let everyone know at this time that I did speak with Mayor Jennings late this morning and he has agreed to provide for the Town an additional 1.4 million gallons of water. That's on top of our 660,000 which they had authorized yesterday. This is a 30 day contract and we'll go month-to-month but I will be in contact with him and try to see if we can renegotiate a contract on this water but drought is drought and we do need to be prepared for our community so that we don't have to continue having these emergency meetings.

There are other recommendations that Mr. Secor will be making as well but I did want everyone to know up front that we have received word from Mayor Jennings. When I spoke to him this morning he wanted to get back to me and he did. Okay. Sorry, Bruce.

MR. SECOR: That's fine. Even with that, with the reservoir level at the depth it's at, we need to take some measures so that we don't continue to draw water at the same rate as we are now from the reservoir. And, in the letter we received from the Department of Environmental Conservation, dated January 18, 2000, when they approved the emergency authorization to allow us to pump water out of the Hudson River to serve the industrial area, the industrial area only. It does not affect the residential areas but by providing additional water to the industrial area it takes pressure off of the supplies from the reservoirs. So, that helps us. We are now producing more than 2 million gallons a day from the Clapper Road plant to serve industry and that will be a big help.

In addition to that, in the letter from DEC... I'm sorry I have to stand here because of the length of the cord... the second condition says that for the period during which this emergency supply is being taken from the Hudson River, the Town will not consider or approve any new extensions or connections to the water distribution system. Exempt from this moratorium are any connections which have been approved prior to the date of this emergency authorization. So, one of the things I am asking the Town Board to do today is to help me interpret this and so we can give specific direction to the Building Inspector as far as the issuance of building permits and the issuance of taps to the water system. And, I'm kind of go over a few things and we'll come back to these deal with these individually and ask Mr. Alessi for some help on this.

But, this is one of the issues that we have to do. There were a number of other requirements of the emergency authorization which we've taken care of or we are in the process of taking care of and we should be able to comply with all of these within the time frames that are set. We started emergency pumping last Thursday afternoon. It is working fine, the water is being pumped up to the Clapper Road water purification plant, being purified through the plant. The plant is working as expected. It is purifying the water. We are maintaining a proper chlorine residual. We've had the bacteriological samples taken by independent labs. They've come back saying that the water is safe to drink. We did issue a precautionary boil water notice to the residents. There are only 20 residences on Clapper Road and Creble Road who are affected by that change over in the industrial supply. We contacted all of them, spoke to them individually. We issued boil water notice to those 20 people and we provided every one of them that wanted it bottled water from Culligan. So, they all have bottled water. They all are on notice. We are still providing purified water that is safe to drink but as a precaution until we can get all the lab work back... one of the things in the water business is you take samples and you send out to a lab and some of the samples take 6 or 10 days to get the results back. So, for that time period between when we made the switch over until we get the lab results back verifying and documenting that we have met the drinking water standards, we are providing this precaution for those 20 residences. So, that's been taken care of.

COUNCILMAN PLUMMER: Bruce, is that 2 or 3 million gallons a day that is coming from the river directly to industry.

MR. SECOR: The authorization was to take up to 3 million gallons a day from the river plus the pumping from the groundwater. The groundwater now is producing about 800,000 or 900,000 gallons a day so the total would be... right now we are producing about 2 million total which is a little over a million from the river and about 800,000 from the groundwater. So, the total is about 2 million. As industry starts using more water, if they need it for the cooling towers, we will produce more. But, we have the authority now to take up to 3 million from the river and whatever the groundwater system will produce which as the water warms up, that should get back up to about a million gallons a day. So, we would have the ability to produce about 4 million gallons a day from that plant to serve the industrial area. The industrial area uses between 3 and 4 million gallons a day. So, we should be able to take care of 100 percent of the industrial needs from that plant. So, that saves industry and there will be no interruption of business for our industrial customers and that is an excellent situation.

One of the thresholds that we haven't cleared is that this is a 30 day permit, emergency permit, under State law DEC is allowed to do one 30 day extension and then we are in the process of meeting with the DEC and Health Department officials to try to turn this into a longer term supply... really trying to apply this river water until such time as the new wells are up and running. So, again we would have a continuous supply to take care of the industrial area.

COUNCILMAN DAVIS: Bruce, question about that. You mentioned it was a 30 day permit from DEC and we could have a 30 day extension. What about the other agencies that we would have to have permits from?

MR. SECOR: Well, again, the permit we got was really kind of jointly from the DEC and DOH. There is also Corps of Engineers approval and we are working with that. So, there are a number of agencies which have gotten together to give us our emergency authorization. Now we have to do the follow-up work with them and we're in the process of doing that.

COUNCILMAN DAVIS: Okay, thank you.

COUNCILMAN LENHARDT: Bruce, in that regard, how long is that process normally... under normal conditions?

MR. SECOR: I really can't answer that. That is a process that could be from 6 months to 16 months.

COUNCILMAN LENHARDT: Thank you.

MR. SECOR: Depending upon what's going on.

We handed out a couple of things. One of which is another revised draft of the letter to our water customers. We tried to strengthen that letter, get a little more to the point, asking for specific measures. We will include since specific suggestions on the back of the letter. That is intended to go out with the January billing. We bill about 1/3 of our customers in January, with a little over 1/3. We'll do an address mailing to the rest of them so 100 percent of our customers will receive a letter from us within the next 10 days or, hopefully, by the end of next week that will have all that information in it. We are updating our website to put information on and we will conclude doing that.

We did send out individual letters to larger water users, industry and institutional concerns. We have received written responses from almost everyone. They have been very cooperative. They've come up with some innovative ways to help reduce water use. The GE Selkirk and Selkirk COGEN got together, they actually use almost 100 percent of the wastewater from GE Selkirk is run through Selkirk COGEN's cooling towers and reused before it is discharged. And, they have been able to increase that more than what they were doing before, they're up near 100 percent and that is very helpful. And, as I say, we had some very, very good response from industry and now we need to move on and get information out and help from the homeowners.

COUNCILMAN PLUMMER: Bruce, I'm sorry to interrupt you, I would just like to get the full picture here. So, the industry demand is roughly between 3 and 4 million gallons per day and that can be accommodated through the measures that we have right now on a temporary basis but the rest of the demand... my recollection is we're talking in total about 5.4 million gallons a day?

MR. SECOR: About 5 and 1/2 but again, that will go up as we get into the spring and that's what we have to start working on conservation measures for and part of the recommendations that have come out are... a lot of times in the spring the first thing people do is go out and get their garden hose out and wash down their driveway, wash down the side of their house and was something and we're going to have to ask them to this year not do that. Take a broom, use a broom on your driveway instead of using garden hose and we'll be coming up with a series of more specific recommendations to put on the back of the letter. You know, do a load of laundry when you have a full load. Do a load of dishes when you have a full load. If you have just a small number of dishes, wash them by hand. You know, those types of things that we'll include on the letter to help promote water conservation.

The other thing I am going to ask the Town Board to formally act on is to put a ban on all new in-ground irrigation systems. Again, so that the Building department has specific Town Board action to cite if they have to turn down a request for a building permit. And, then that ban stay in force until the water emergency is lifted.

And, now we get into the hard choices. It is the last thing in the world we want to do is to talk about closing somebody's business or putting somebody out of business. We are in an emergency situation. We may in fact be headed towards more serious situation and I have to recommend that we consider closing the car washes in Town. That would save us between 25 and 50 thousand gallons a day. I know, for Hoffman's Car Wash that got hurt by the landslide, it may be extraordinary difficult but these are hard times and we have to make hard choices. So, I would ask the Board to consider that.

The other thing I put in here is the cooperation from the community has always been excellent. It is a matter of getting the information out. What we normally have done, is if we see someone who is wasting water or who is doing something we will issue them a notice. There is a tear off slip on the bottom and the Building Inspectors have been working very well with the Town. Our own people, the Highway Department people go out, pick up these slips and we've turned the cards into the DPW office and we rarely have repeat offenders. It is just a matter normally of education. However, we have had some instances where people have had recurring problems or have had excessive water use and what I put in here, is notify customers that water service to their property may be shut off if they do not repair water leaks after being notified by the Town or do not follow water conservation requirements.

COUNCILMAN DAVIS: Bruce, question related to one of the points that you made. You had a question about whether we would be willing to support disallowing new sprinkling systems... in ground sprinkling systems... the irrigation as you referred to it... what about those people who already have them and who might want to use them. I mean, I think that we need to put some kind of a lid on those as well.

MR. SECOR: That's correct. And, I think what's going to happen... again, there is still the potential in March and April the picture could change dramatically. We have a wet spring, this picture could change dramatically and we wouldn't have to get to that. But, if we do not get sufficient rain, if we end up only filling up to 50 or 60 percent, we are going to have to take some drastic measures to control lawn irrigation and outside water use. And, again, I really... I would be reluctant to play what-if games right. I'd rather cross that bridge when we get to it. Do what we have to do today, see where we are in 30, 60 days and make those decisions at those times.

SUPERVISOR FULLER: Does that include the car washes? Does that decision have to be made today?

MR. SECOR: It would be my recommendation that we act on that today, yes.

SUPERVISOR FULLER: Is there any flexibility with limited hours or time... every other day or?

MR. SECOR: Again, I'm giving this to the Board for your consideration. It's 25 and 50,000 gallons a day of water that is consumed in the 3 car washes. When the Bethlehem Auto Laundry on Route 9W was first opened it had its own well supply and I haven't had a chance to speak to the operators down there. There may be a possibility that they could reactivate their ground water supply. One of the problems is that when the cars went through, the ground water had some hardness in it and instead of the cars drying cleanly they had little spots on them. I think now maybe little spots would not be as big a problem. But, we could look into and certainly talk to them.

COUNCILMAN MARCELLE: Bruce, can I just go over some numbers? How much water from residential do we consume a day?

MR. SECOR: It is about 2 and ½ to 3 million gallons a day on the residential side and about an equal amount on the industry side. They both can go up and down.

COUNCILMAN MARCELLE: Okay. How much do we get a day or can we get a day before we run out from our Vly Creek reservoir?

MR. SECOR: There is approximately 300 million, maybe 250 to 300 million gallons remaining in the reservoir. So, simple math, if we take 1 million gallons a day that's 250 days. If we take 2 million gallons a day is 125 days. It's a matter of how much you are taking out of there. And, really, what I'm saying to the Board

today is, we need to do whatever we can to stop from getting into the crisis level. We are already in emergency. We are 1 foot away from being at disaster area, a disaster zone where we would have to seriously look at a lot more restrictive measures which, again, I really don't want to speculate on today but this is our goal right now. And, there are a couple other points here to cover yet about how we are going to try to meet this goal.

The next item on the list I gave the Board was to start purchasing water from the Town of Guilderland. The Town of Guilderland takes its water from the Watervliet reservoir which is in the middle of the Town of Guilderland. Here is Route 20 going right up through Guilderland and the Watervliet reservoir is up here. The Watervliet reservoir has a water shed of over 120 square miles. The Alcove reservoir is just down off the bottom of this map. The Alcove reservoir has a catchment area of about 30 square miles so the catchment area up here is about 4 times as great. The Watervliet reservoir right now is sitting full. They have an estimated safe yield for about 12 million gallons a day. Currently Guilderland buys about 4 million gallons a day from Watervliet and Watervliet uses about 3 million gallons a day. So, it's only about 7 million gallons a day out of that 12 million gallons that's available. Watervliet... when I met with them is in the process of looking at raising the dam by putting flash boards on it. If they raise the dam, they can increase the safe yield to near 20 million gallons a day, again, because of the size of the watershed.

Last fall Supervisor Fuller and Supervisor Poffit from the Town of New Scotland had a meeting to discuss water issues between Bethlehem and New Scotland. One of the issues we discussed was the possibility of bringing the pipeline from the Watervliet reservoir to our Vly Creek reservoir. It's about 8 miles from Watervliet reservoir to Vly Creek reservoir. It's more than I think 10 miles from the Watervliet reservoir to the City of Watervliet so it's actually shorter to get water to the Vly Creek reservoir than it is for Watervliet to get water to themselves.

The Town of Guilderland is also looking at some expansion in their water purification plant is in what used to be the old industrial yard. The Town of Guilderland has an existing inlet structure here which is... has 2 pumps, each pump is capable of 6 million gallons a day. And, we met yesterday with them to discuss the possibility, on a short term, of sharing that pump platform and working with them on some longer term projects. Again, it is our intention to put it... we retained the services of Vollmer Associates who is the Town designated engineer with the Town of New Scotland to bring a proposal back to us. We'll have a letter report with some cost estimates that we can look at as an alternative. Certainly if we are able to buy water from Albany, that would be a preferable choice but we have to verify that the water, in fact, is available before we can go that direction.

Anyway, the short term, Town of Guilderland has a distribution system which comes and abuts the Town of Bethlehem. This is a picture of our distribution system. Here is Delmar, here is Slingerlands, here is New Scotland Road. Our water mains come in from the Vly Creek reservoir along New Scotland Road and are distributed through the entire Town. Here's the high school down here. Here's Delaware Avenue. There is a single 12 inch water main which goes up New Scotland Road and goes behind what used to be the Blue Cross/Blue Shield building, crosses up and goes up Blessing Road by the apartments and feeds all of North Bethlehem. Because we were having problems with breakages in this line and so that we would not be out of water in North Bethlehem, almost 15 years ago, we negotiated a contract with the Town of Guilderland and we have an interconnection with the Town of Guilderland up on Fliegel Avenue in North Bethlehem. We have an existing contract with Guilderland. We have an existing water supply permit issued by the New York State Department of Environmental Conservation and we have the ability to purchase between a half a million and a million gallons a day from the Town of Guilderland by simply opening a valve. The piping is in place, it's been in place for 15 years. The problem is the fluoride issue. The Town of Guilderland adds fluoride of about 1 part per million and I provided the Town Board members with a copy of a letter I wrote to Dr. Crucetti at

Albany County Health Department after our last meeting and Dr. Crucetti was kind enough to hurry in response so we had a response for this meeting. We handed those letters to try to answer some of the questions that were raised about fluoride issues. And, basically, their bottom line is that they do not see a health risk to any of our residents as a result of drinking the fluoridated water. And, I'd leave that for the Board to consider. His recommendation is that if we decide to buy from Guilderland, that we should notify our residents as soon as possible and I've included a paragraph in that proposed letter to go out to the residents explaining the temporary purchase of fluoride.

If we were to purchase water from Guilderland, instead of the water flowing northward in this 12 inch pipe, we would actually be buying water from here. All of North Bethlehem uses about 150,000 gallons a day. If we were buying 500,000, that means the remaining water would be flowing down this direction and being... become distributed throughout the Town. And, basically, if someone was to say, well, am I going to get fluoridated water or am I not? The answer is I can't tell you. This is a network type pipe flow and basically water will flow in the direction that it's called for when somebody opens up a tap. So, we would notify all of our customers that there is the potential that they could see water that has fluoride in it. Our interconnection with the City of Albany... the City of Albany's water purification plant is actually in the Town of Bethlehem. The City of Albany's 48 inch transmission main runs diagonally across the entire Town, goes behind the Delaware shopping plaza. Goes across Delaware Avenue and goes down underneath the Normanskill near where the slide was 2 years ago.

SUPERVISOR FULLER: Due to floods.

MR. SECOR: We have an existing interconnection here on Kenwood Avenue near the intersection of Dumbarton that is capable of moving... pumping 2 million gallons a day so we would be under the rate that Supervisor Fuller is able to get from the City will continue to pump over a million gallons a day here of Albany water. We will be bringing a million to 2 million gallons a day in from our own sources out on New Scotland Road and potentially could be bringing water in from the Town of Guilderland. So, really, you are going to see is a blend of water in this whole area and we'll simply put everyone on notice. Dr. Crucetti's bottom line was is that he did not feel there was any health risk to anyone and that if the Town decided to do that we could do it without fear of damaging anyone's health.

SUPERVISOR FULLER: Bruce, what is the amount of water from Guilderland? Is it 800,000 gallons a day?

MR. SECOR: They feel that they could produce between 500,000 and 800,000 gallons a day depending on their own consumption. But, we might be able to get as much as 800,000 gallons a day from Guilderland, at least for the months of... the rest of this month, February, March into April. Probably around in May when they are closed off, Guilderland also purchases water... supplemental water from the City of Albany so obviously, once they started buying supplemental water, we would lose that ability to take water. But, it would be my recommendation to the Town Board that we buy as much water as we can from Guilderland for as long as we can or until the monsoons come back and fill up our own reservoir.

COUNCILMAN DAVIS: And, Bruce, you've said that would be a very easy thing to do that the valve is all ready to be turned on. You've said that previously.

MR. SECOR: That's correct. Pipes are there.

COUNCILMAN DAVIS: So, that could be done this week, next week if necessary.

MR. SECOR: Could be done in a half an hour if that's what the Board does. But at this point, I think, based on Dr. Crucetti's letter, if the Board was to do that we would wait for time for the media to get the news out and put the information on

the website but I would still turn it on this week and then get the letters out like Friday. Again, depending upon what the Board votes to do.

COUNCILMAN LENHARDT: Bruce, Just since we have the media here and it's a good opportunity to get a message out, a few residents have come to me thinking for the long term it's not going to solve our immediate problem. But, they ask why, since our reservoir is so low, we do not go out and dredge it to make it deeper for the future. I explained to them it probably had something to do with permitting process and things of that nature.

MR. SECOR: there is a number of concerns with that. First of all, as you can see from this graph, the reservoir fills about 8 years out of 10. So, storage capacity right now is really not our major issue. If we had a reservoir twice the size, we probably wouldn't fill it. So, given the size of the catchment area... now when our water supply was originally developed there was the Vly Creek reservoir and there were stages 1, 2 and 3 of diversion. Only stage 3 was ever constructed. One of the things, I outlined to the Board in the budget session, was that we were going to go back and look at water resources and see if stages 1 and 2 were viable. One of the problems is that one of the diversion stages was downstream from the cattle feed lot and that the water quality was so poor nobody wanted the water. So, you know, we still have to look at that or look at other areas. But, that would be done in parallel with looking at either purchasing from Albany, purchasing from the Watervliet reservoir. When we did the 1990 evaluation of alternatives, we looked at 10 different alternatives. In the northeast we have a lot of water. We don't have a lot of developed water supplies for potable use but we have a lot of water. There is the Normanskill, the Vlomanskill, the Phillipinkill, the Onesquethaw, the Catskill creek... I mean we really have streams around us, it is a matter of developing those things. When Albany cancelled our contract in 1990, we had a joint Town Board meeting with Bethlehem and New Scotland to talk about the possibility of building a reservoir on the Onesquethaw creek which was going to produce 6 and ½ million gallons a day. That did not come to fruition. One of the complications there was because of the limestone foundations, there was some concern that if you built a large reservoir that the water would not stay impounded behind the dam. It would find its way down through cracks and crevices and you would have a very leaky situation. So, that was not promoted. But, certainly, there are other alternatives.

As far as dredging the bottom of the reservoir, the first thing you have to ask is dig up all this dirt, where you going to put it. You can't fill in wetlands any more. You can't fill in most ravines that end up as designated as critical environmental habitat or Federally protected wetlands. So, just disposing of the material becomes an issue and I asked that question of George Myrick who did the original design back here in the 60s and George said it's usually not economical to excavate. It's usually more economical to raise the dam and that the storage... the bottom foot that you dig gives you a lot less storage than adding 1 foot to your flash boards just because the cross sectional area

COUNCILMAN LENHARDT: Thank you.

SUPERVISOR FULLER: Bruce, if you totaled the water that we've discussed here this afternoon, what is the total supply we will have now between the City of Albany...?

MR. SECOR: With the City of Albany going up to 124, if we were to take say ½ a million or 600,000 from... just for round numbers... we would be up to 2 million including Guilderland. If we've got to take care of 100 percent of the industrial area from the Clapper Road plant, we're really down to about a million gallons a day that we would have to take out of our own reservoir which again would take this slope which is getting to be too steep and flatten that slope out... hopefully we get a little rain... this thing will flatten out and then we'll see what we get for recharge with whatever snow and rain we get the rest of this winter.... I mean this spring.

COUNCILMAN PLUMMER: Bruce, it was my understanding that Albany's total was going to be 2 million.

TOWN ATTORNEY ALESSI: That's my understanding, 1.4 plus 6.

COUNCILMAN PLUMMER: Yes, the existing 600,000 then 1.4 more.

SUPERVISOR FULLER: It's on top of the 600,000.

MR. SECOR: Okay, I'm sorry, I misunderstood that.

COUNCILMAN DAVIS: For a month, for 30 days.

SUPERVISOR FULLER: For 30 days.

TOWN ATTORNEY ALESSI: For at least 30 days.

MR. SECOR: Okay. Well, if that's the case, then again you just... then we'd be producing less than a million gallons from our Vly Creek reservoir, which again, the less that we pull out of the reservoir at this point, the better.

COUNCILMAN DAVIS: Bruce, you talk about the possibility of the Watervliet connection, what would the cost be and the length of time required to actually make that connection?

MR. SECOR: That I don't have the answer for you right now. Vollmer is working on a preliminary letter report which will give us an idea of cost estimates, pipe sizes, pick a preliminary pipeline route. We tried to stay along existing town roads or state roads so we don't get into a lot of land acquisition or right-of-way acquisition problems. I should have that report within 2 weeks. Regulatory time, the first thing you start off with, you have to do an engineer's map, plan and report and you have to go file for a water supply application. I mean that whole process could easily consume 16 to 18 months and then you get into the bidding out for contracts for construction of pipelines. That's a longer term situation.

COUNCILMAN DAVIS: And, I know this is not directly an answer that you need... or a question you need an answer to today but I'm curious. We've talked about this before, you haven't mentioned it, I know it doesn't increase our supply but we're going to have to pay for all the money we are purchasing... when are we going to increase the price of the water that we are charging our customers?

MR. SECOR: At the next Board meeting, I will be bringing back some emergency measures for the financial side. I wanted to get the supply side under control so we knew where our sources were coming from, now we can project our cost. And, I will be coming back to the next regular Board meeting with some recommendations on how we are going to pay for all of this.

COUNCILMAN DAVIS: Good, that's a real problem.

COUNCILMAN MARCELLE: Bruce, I just... review something with you to make sure I understand. We consume on the residential side about 2 and ½ million gallons a day.

MR. SECOR: 2 and ½ to 3.

COUNCILMAN MARCELLE: Albany is going to give us 2 million and we can take, you estimate probably between 5 and 800,000 from Guilderland. That would almost address our needs without... while preserving what we have left in our reservoir, is that right?

MR. SECOR: Yes. And, again, that is our goal. If I could, I'd stop taking water out of the reservoir completely just to save that. We would... we want to maintain some production in the plant but as I started to get into the last time, the treatment

plant is like a huge treatment vessel and you just don't turn it on and off. We've got to keep some of it going or keep it going at a certain rate just to keep the chemical blankets and keep the process up and running. But, yes, we want to absolutely minimize the water we take out of the reservoir.

COUNCILMAN MARCELLE: So, ideally, if we could minimize it just enough to maintain the maintenance on the plant, that would be the best thing that we could hope for right now.

MR. SECOR: That's correct.

SUPERVISOR FULLER: Do you have any other recommendations, Bruce?

MR. SECOR: No. That's enough for today.

SUPERVISOR FULLER: I think if we can deal with the Guilderland water issue to start with. I will entertain a motion to purchase the water from Guilderland.

The motion was made by Mrs. Davis and seconded by Mr. Lenhardt to approve the purchase of water from the Town of Guilderland as recommended by Mr. Bruce Secor, Commissioner of Public Works. The motion was passed by the following vote:

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

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COUNCILMAN LENHARDT: Madam Supervisor, may I address that for a minute?

SUPERVISOR FULLER: Sure.

COUNCILMAN LENHARDT: Just to set the record straight for Mr. Fricano's edification. I was never reluctant to use that connection in Guilderland as you implied in this morning's newspaper.

SUPERVISOR FULLER: And, the other article was the ban on irrigation systems. You do want that vote today or can we...?

MR. SECOR: I'd like to get that one today so, again, we can give clarification to the Building Inspector.

COUNCILMAN PLUMMER: Is that timely? Is that necessary? I mean it seems to me that we've got enough right now to get us through over a certain period of time.

MR. SECOR: Again, this is more responsive to the DEC requirement that we prohibit any new connections during this emergency. This is kind of one facet of that which is being imposed on us from the DEC. So, if somebody comes in and says they want a new tap or an irrigation system, I would just like to have something specific that the Building Inspector can turn to and say, you know, I can't issue this permit.

COUNCILMAN MARCELLE: Is there a time frame? I'm sorry.

COUNCILMAN PLUMMER: How does that practically work? Kevin, do they come in and ask you for a certain permit or approval?

MR. SHEA: In regard to the sprinkler permit, yes, they come in. We issue a permit. New York State code, you know, provides that it be a back-flow prevention so it would be a connection.

COUNCILMAN PLUMMER: So, it would be for... new development or...

MR. SHEA: It depends on how you look at it. You are talking about irrigation right now and sprinklers and not necessarily the house hook-up or the residence hook-up. The sprinkler system, the irrigation comes in... Bruce is talking about would be a sprinkler system, correct Bruce?

MR. SECOR: Yes.

SUPERVISOR FULLER: would they normally be coming in in February for their sprinkler system?

MR. SHEA: Not per se in February, but you know, as the houses are winding down as far as lawns can be put in, generally people like to get the spinkler in first and then water.

SUPERVISOR FULLER: That's for your new development.

MR. SHEA: Basically it's new development. Then we have issued the last two years, a great amount of sprinkler systems for existing homes.

SUPERVISOR FULLER: I was asking about the existing homes. I wondered about that.

COUNCILMAN DAVIS: And, I guess I understand, Bruce, then that if we don't approve that particular aspect of the DEC permit that we jeopardize that permit.

MR. SECOR: I'm not sure it's that black and white. Again, the wording of that particular paragraph... for the period during which the emergency supply is being taken from the river, the Town will not consider or approve any new extensions or connections to the water distribution system. And, so, the way I would interpret that is if somebody wanted to come in and get a building permit for a new house and connect up to the water main, that is a connection to the water distribution system. So, for things that have not been approved as of the date of the emergency, again, I think I know what it means but I want to make sure the Board agrees with that so we can pass that on very clearly to the Building Inspector so that everyone is comfortable with that.

COUNCILMAN MARCELLE: Is there a time frame, Bruce?

MR. SECOR: During the emergency. So, during... for the time period while we are pumping water from the river to serve the industrial area.

COUNCILMAN MARCELLE: Let me ask you 2 different questions. Does it coincide with just while we're pumping or does it coincide with any time we declare an emergency?

MR. SECOR: Again, I'm looking at this paragraph. This was a condition on getting the emergency supply for the industrial area. I'm dealing with that. On the broader issue because of the reservoir... these are like 2 parallel cases here, I would make this recommendation even if the DEC hadn't. That we need to take some measures now during this thing. We are in an emergency and we have to take some actions. And, so, not hooking up more people is the least... well, you're a builder or sell homes for a living it's probably not a real good deal but as far as, not hurting your existing customers or taking water from your existing customers, if you don't hook up new ones, that's a smaller problem you have to worry about. But, this is being imposed from an outside agency and, Bob, I would welcome your comments.

TOWN ATTORNEY ALESSI: Well, my comment on this one is that the DEC has imposed the condition. The condition in its plain language is clear. The last sentence says the DEC will entertain requests for additional conditions based on hardship or public health needs. They are the arbiter of this condition. So, my

recommendation to the Town Board would be that the Town Board do nothing because once you start denying people things, they can claim that there is a taking of their property. And, if the Town Board is not in the business of regulating, the Town Board is not going to be in the business of defending law suits against taking. He DEC has been gracious enough to take this burden on and I think we ought to welcome the graciousness of the DEC and refer anybody to them who is having a hardship as they have welcomed people to do.

COUNCILMAN MARCELLE: Kevin, can I ask you a question? What the scope of... I'm trying to figure out what the scope of the problem is. Do you know how many outstanding new home building permits we have and how many do you anticipate, let's say, through the beginning of March, just historically?

MR. SHEA: I'd have to check the records on that but right now I only have, from the emergency on the 18th, I have 2 homes... permits that have been issued. I think what Bruce is trying to say here is that in this 30 day period of time, if it runs into 60 or if it runs into 90 that's probably where you are going to run into a problem because if you have a building permit out and it's turned over, conceivably a house can be produced within a 4 month period. And, that's where you're going to have the problems down the road, is it's not more of a... you know, an immediate type situation but then again, I think the irrigation and the sprinklers are more of a convenience than they are a necessity, okay. The actual house hook-up is the necessity.

COUNCILMAN MARCELLE: Right, but exempt from this requirement, I take it is anything you've issued... a building permit already even if the construction is completed let's say next month, they can hook-up because that was pre-approved. Is that right?

MR. SHEA: That's correct, it did not fall within January 18th.

COUNCILMAN MARCELLE: We are just talking about anyone who comes to you for a building permit subsequent to...

MR. SHEA: During the time of the emergency, that's what that says.

MR. SECOR: Now, I would ask this question of Mr. Alessi. Any connections which had not been approved prior to this... new subdivision goes in, it's in the Water District, the water mains are all in, the builder has put in all the taps to the property line, the taps are all there... it's a matter of getting a building permit and hooking up to that existing tap. To me that's a pre-approved situation, you know, so the issuance of a building permit under those circumstances may not, I don't think, trigger this or trigger them having to go to DEC for a hardship. I think where you get into a problem is where somebody comes in and now is in the subdivision process and does not have their approval yet and needs to extend water mains. I think the answer then is go see DEC.

TOWN ATTORNEY ALESSI: I agree, the answer to any question on that provision is to go see DEC.

SUPERVISOR FULLER: You know, it's not like the Town Board is not going to meet again. We will be meeting in a couple weeks and as we go along, we also need to be doing the good old rain dance. The weather can save us all from this problem we are dealing with right now but we did have some positive news today and that's the additional supply of water from the City of Albany and we've also voted to get the additional water from Guilderland. And, that's what is important for today. The issue of closing car washes, I think it's to premature to get into that today.

COUNCILMAN LENHARDT: I agree with that.

MR. SECOR: Okay. What I will do then is I'll write a letter to each of the car

wash people, ask them for a response, similar to what we've done from the other industrial users. See what they can do on recycling/reuse. See whether or not they have ground water supplies available to them and pretty much put them on notice that if things change we may have to take some action.

COUNCILMAN DAVIS: And, also, Bruce, I think, one of the really critical parts of this is in notifying the community of this emergency and encouraging them not to have their cars washed. Encouraging them not to wash their cars in their driveway which they are not going to be able to do any longer, right and maybe not have to go to the car wash. I mean I hate to do that to those businesses but it is a fact of life that we right now need that water.

MR. SECOR: And, the other thing since conservation starts at home, we've asked our own people – DPW, Highway Department... I'll be speaking to the Police Chief – about just that. I hate to see us driving around in dirty police cars but those are the conditions under which we currently live.

COUNCILMAN DAVIS: Right. Will any kind of communication regarding this emergency be done through the schools – not as an institutional customer in the Town – but to get the kids aware of this and talk to their parents about it with some kind of fliers that can go home through the schools. I mean they are a wonderful source of publicity and the kids need to be made aware of this too. And, I think it is good for our children to know that water conservation is a part of our life in our community. Not just for today and tomorrow but forever. You know, this isn't just for today and tomorrow, I mean, hopefully we're all learning from this.

MR. SECOR: I'll work with Supervisor Fuller to get something to the schools.

TOWN ATTORNEY ALESSI: Bruce, I have a question on... I understand that the main goal being to preserve our level in our reservoir. That's what I see from your presentation as the main issue, to keep that up. I heard you also say that Guilderland can provide us with anywhere from 500,000 to 800,000 gallons per day. To me, every gallon helps and the more we can get toward the 800,000 the better. Can you just let us know what some of the considerations are for that range as to what may take us to the lower end? What may take us to the upper end?

MR. SECOR: Based on my meetings with the Town of Guilderland and their Water Department, it is strictly they can make up to about 4 million gallons a day. They will make all they can and sell us what they don't use. So, it's simply whatever their use is. Four million gallons minus their use is what they can sell to us. When I first spoke to them in January, they were using about 3.2 so they could have sold us 800,000 gallons a day. When I spoke to them yesterday, that was down to about 600,000 gallons a day. But, that will vary again with the temperature, if we get a bunch of snow or something. All the uses will change so that's why I gave the Board a range. But, we have a meter up there. It's an existing interconnection. We'll read the meter every day and that will be included on our reports both to Albany County and to the Board, as far as, how much water we are able to transfer.

TOWN ATTORNEY ALESSI: Is there any way for Guilderland to increase what it draws from the Watervliet reservoir?

MR. SECOR: We spoke about that yesterday at our meeting and that needs some follow-up.

COUNCILMAN LENHARDT: Bruce, going back to the issue of emergency with DEC. I realize that their condition was based on drawing water from the river but on our... based on our Town of Bethlehem water emergency plan, our characteristic of emergency is between 20 and 70 percent of normal seasonal levels which is a significant range above and beyond drawing water from the Hudson River. So, I... I'm a little concerned with us interpreting emergency or anything else and I concur with Counsel Alessi's let the DEC make those determinations.

SUPERVISOR FULLER: If there is one point I would like the media who is here. If you will put in a plug to our community, conservation is the key word and it cannot be said enough. This is very serious times in the Town of Bethlehem and we want everyone to be responsible citizens and think about every time you turn your faucet on. Thank you. Are there any other questions or comments from the Board? Any questions from the community? Comments?

MRS. CAPONE: Well, you should know. Instead of sending letters from the schools to the households, why don't you tell the school to check the length of the shower that are taking at the school?

SUPERVISOR FULLER: Okay, we can do that.

May I have a...

MR. KELLEHER: Bill Kelleher.

TOWN CLERK NEWKIRK: The other one, Bill.

MR. KELLEHER: Pardon?

COUNCILMAN LENHARDT: Use the other one that everybody can hear you.

MR. KELLEHER: I have submitted a statement that we should be prepared to take water from the Hudson river directly, up to 6 million gallons a day that can go through the treatment plant and that water will be far, far superior to the water that we are now getting from that infiltration gallery. I do not want to see any water even the 20 people from that infiltration gallery and I think the 3 Members of this Town Board know what I think about that water. That infiltration gallery was built next to the largest burial site of raw sewage solids in the State of New York. And, we should be prepared, you know, suppose Albany reservoir goes down further and they cut off the water completely... suppose Guilderland in the summer time, they can't provide us the water, we're going to have to get the water from some place. Right now is a very good opportunity serving the industrial area to make a test and make sure that if we do get into a realistic emergency where we're going to have to shut down industries and close down our schools and our restaurants. We should be prepared to use Hudson River water. The only thing that, you know, is different is the bacterial count in the water... in the Hudson River water. We can provide pre-treatment by permanganate which we are doing anyway but in no way shape or form do I want to see that... I don't know how to describe it, you know what I think about it... that water from... that 800,000 gallons per day of water going to the Town residents. It's terrible water and the State Health Department knows it.

Do you people realize that when you were discussing formaldehyde.... You know what happens when you use ozone to treat organic nitrogen in water, you produce formaldehyde. You also produce chloral picturin which is a very toxic chemical. No water supply in the United States or in Canada, or you know in Europe, the French would look at this and say we're absolutely ridiculous to use ozone or even organic nitrogen is simply not acceptable in water supplies. Now, the reason why Rensselaer water used to taste so terrible when they took it from Hudson River was because we didn't have sewage treatment plants. We have those today and the water is very good quality except for the bacterial count. Poughkeepsie is a good example.

So, there are ways of doing it and we have a good opportunity now because of this emergency to make a study... if we're forced into it, to me, instead of shutting everything down in this Town, that we go directly to the Hudson River because we got a treatment plant that can treat the water.

SUPERVISOR FULLER: Along that line, simply I think when we go back a few years and the water plant and the wells along the river were discussed and Mr.

Kelleher you were an active participant in all of the discussion, the commitment was made to this community because the community was concerned about the quality of the water from the Hudson River... as a result, the Town and I for one was here as the Supervisor, promised this community that they will not be drinking Hudson River water and I intend to stick to that promise.

We have made arrangements with the City of Albany and the community of Guilderland and we will not force Hudson River water on these residents. And, we're not ready to shut businesses down. This is a serious issue. It's called a drought and there's always a possibility of rain coming at some point. We're not going to go through the same Hudson River issue over and over again.

Mr. Hotaling.

COUNCILMAN LENHARDT: Sheila, just to... on a more positive note. I want to thank you and Mayor Jennings for being able to work out a stop-gap at least for another month and helping us out.

SUPERVISOR FULLER: And, I will continue on that on a daily basis.

COUNCILMAN LENHARDT: And, I thank the City of Albany for coming forth and permitting us to take more than they originally indicated we would be allow to take in February.

SUPERVISOR FULLER: Thank you, George.

MR. HOTALING: As Mrs. Fuller knows, I'm Charlie Hotaling from Feura Bush. In fact, our market is probably the largest user there is out there and I think the Board is taking the proper action, I'm glad to hear it. I came by special today just to see what is taking place. As a lot of people know, I represent some of the hill towns. The same problem takes place countywide. We had to do a farmer and pump water all weekend long for his cows up in Knox. I think we are all in the same situation. I'm glad to see that Mr. Secor has moved ahead with it because I do believe this is not the year to wait. We must take... we use very small amount of water, I am sure, in Feura Bush. Our water in Clarksville comes from our own wells. Mr. Secor was going to ask you... if you did know approximately how much we do use out there. I know it is not a large sum.

MR. SECOR: I believe the usage in the Feura Bush water district is between 30 and 50,000 gallons a day depending upon the seasonal level.

MR. HOTALING: Very good, so we're really not big users but I wanted to come and be supportive of it because I know from going around in the hill towns, people that have wells – this is more than just a little drastic program for a small area. It takes a great deal of the area of Albany County on the higher elevations. The reservoir is in our Town of New Scotland. It's always been a good reservoir. To be honest, I worked there for 2 years when it was built. This is just an unusual year. And, I wanted to tell you thank you for your actions, I am sure the people in Feura Bush will be more than happy to comply with every recommendation you come out with. Thank you.

SUPERVISOR FULLER: Thank you very much, Mr. Hotaling. Yes, Mr. O'Shaughnessy.

MR. O'SHAUGHNESSY: Yes. My name is Dennis O'Shaughnessy from the Glenmont Car Wash. The drought is a major concern for me, personally and professionally. The ICA which is the International Car Wash Association for the last 4 or 5 years... water conservation and what we do with it is very important to us. There are about 90 percent done right now with a nation-wide study as far as water usage in the professional car wash business. One thing that I know that is going to come out when we get this report, which should be in the next couple of months, is driveway washing is a big one. They say that the professional car wash

uses about 1/3 of the water of a driveway washer who goes out and fires up the hose and while they are scrubbing it, just lets it run down the road. And, I'm sure in front of people's homes you can see puddles out there when the neighbor is washing his car. Besides polluting the storm sewers which goes into our streams and all that type of thing. But, you know, I'd hate... I don't want any of us to have a drought especially our schools and businesses and stuff like that and we do try to do our best. We do recycle 40 or 50 percent of our water and we are... we make our living on how much water we use per car and that is a very, very big concern of ours. And, if there's anything we can supply information or help, we'd be more than happy to but the driveway washing, especially with warm weather like this, I'm sure the garden hoses are out and people are out doing their driveway. That should be a concern. Thank you.

SUPERVISOR FULLER: Thank you. Is there anyone else? Okay, may I have a motion to adjourn?

The motion was made by Mrs. Davis and seconded by Mr. Plummer to adjourn the Special Town Board meeting at 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.

SUPERVISOR FULLER: Thank you all for joining us today.

Town Clerk