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TOWN BOARD
JUNE 12, 1996

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

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Supervisor Fuller welcomed everyone to the regular meeting of the Bethlehem Town Board. Supervisor Fuller noted this meeting is begun on a very sad note, Neal Moylan who has served with great dignity for the Town of Bethlehem for many of years passed away last night. Neal Moylan served on the Planning Board from November 1983 to May 1990; he was the public information specialist from July 1985 to May 1990; and most recently served on the Bethlehem IDA from March 1985 to October of 1995. Supervisor Fuller extended sympathy to his family and noted he certainly will be missed. Mrs. Marie Capone noted he was also on the Traffic Safety Committee. Supervisor Fuller thanked Mrs. Capone.

Project approval for Price Chopper

The first item was a recommendation from the Planning Board regarding Building Project Approval for Planned Commercial District No. 4, Price Chopper. Supervisor Fuller said the Town Board has a Memorandum from Chairman Doug Hasbrouck of the Planning Board. She said it is the Building Project Approval recommendation with several items. She said it is with these items that a motion to approve the building project approval would be entertained.

The motion was made by Mr. Johnson and seconded by Mr. Putney to approve the preparation of the Building Project Approval for Planned Commercial District No. 4, Price Chopper, as recommended by the Planning Board of the Bethlehem Town Board.

Councilman George Lenhardt said he compliments the developer on their desire to work with the Town and he sees nothing wrong with the site plan but in as much as he voted against the rezoning, he would abstain on this vote as long as there are enough aye votes. Supervisor Fuller thanked Mr. Lenhardt.

Councilman Johnson said he wished to make one comment. He told Mr. Reed that he attempted to read the Memorandum from the Planning Department that related to the drawings. He said he wished to compliment the Planning Board on the hard work they did on this. He noted it was a long, hard project and they worked hard. He thanked the Planning Board.

Attorney Kaplowitz asked that the Board leave unresolved for now the issue of the performance bond on the off site improvements. He thought this would be done with the Department of Transportation, however, if not, the Town would like to have a bond. A representative of the developer noted they did not want to duplicate expenses. Attorney Kaplowitz said they are not looking to duplicate the expenses, however, there have been some bad experiences where the performance bond was not provided for off site -- at least one bad experience -- and there is a loss of control that the Town would like to keep. He said he does not think it has to be an additional expense and suggested this be looked into.

Councilwoman Davis said before she votes, she wished to comment that she has, as she thinks the representatives of Windsor Development and Price Chopper know, attended every Planning Board meeting on this issue and every Town Board meeting and having served on the Planning Board for almost 3 years and now the Town Board for almost 3 years, she has seen a lot of developers bring their proposals before the Town and she had to say that she does not think

in the years that she has served that she has seen a group as willing to accommodate the demands and requests, as well as, the general response to the Planning Board and the Town and she looks forward to seeing Price Chopper here. And, Mrs. Davis hopes that they will be as good a neighbor as everyone assumes that they will be.

Supervisor Fuller said since all have spoken. Councilman Putney said he has not spoken, however, he cannot wait. Supervisor Fuller noted she wanted to deal with the important issue first.

The motion was passed by the following vote:

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

Supervisor Fuller welcomed Windsor Development and Price Chopper to the Town of Bethlehem and she said she has to certainly repeat what everyone else has said, indicating she has worked very closely with everyone involved and have appreciated their help and cooperation with the Planning Board, Jeff Lipnicky and Doug Hasbrouck and the Planning Board. She thanks them for all the additional work and little bit of pressure that was certainly brought to bear on occasion. Supervisor Fuller reaffirmed the fact that the SEQOR was voted on December 13, 1996 and they reaffirm that.

Mr. Lipnicky said he had just one more thing to say. He asked that the developer get the lighting fixture out of his office. It was noted that it was a sample, however, a very large sample.

The following item was a request from Town Planner, Jeffrey Lipnicky, for reclassification of Clerk-Typist II to Clerk-Typist I and appointment to the position of Clerk-Typist I. Supervisor Fuller noted this was originally a Clerk-Typist II but Mr. Lipnicky has looked for over a year under the Civil Service requirements and has finally found someone on the Clerk-Typist I list.

Request
from Town
Planner
reclassifica-
tion clerk-
typist II to
clerk-typist
I

The motion was made by Mr. Putney and seconded by Mrs. Davis to approve the reclassification of the Clerk-Typist II position to Clerk-Typist I at a Grade 6 with a salary of \$19,028 and appointment of Marie Fraser, Delmar, New York to the position of Clerk-Typist I. The motion was passed by the following vote:

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

Supervisor Fuller said Mr. Lipnicky will leave the meeting at this time due to the fact that any day now he will become a father.

The next item was the adoption of a resolution regarding polling locations for conduct of elections in 1996.

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

Resolution fo
polling loca-
tions

RESOLVED, that in accordance with Election Law, Article 4, Subdivision 4-104, the Town Board of the Town of Bethlehem, hereby designates the following names locations as polling places for any election to be held in the Town of Bethlehem effective May 1, 1996 through April 30, 1997:

<u>District</u>	<u>Polling Location</u>
1	North Bethlehem Fire House 589 Russell Road, No. Bethlehem
2	Beverwyck 1 Autumn Dr., No. Bethlehem
3	Slingerlands Fire Department New Scotland Rd., Slingerlands

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<u>District</u>	<u>Polling Location</u>
4	First United Methodist Church 428 Kenwood Ave., Delmar
5	Elsmere Grade School 247 Delaware Ave., Elsmere
6	Bethlehem Town Hall 445 Delaware Ave., Delmar
7	Slingerlands Fire Hall New Scotland Rd., Slingerlands
8	Bethlehem Town Hall 445 Delaware Ave., Delmar
9	Bethlehem Library 451 Delaware Ave., Delmar
10	First United Methodist Church 428 Kenwood Avenue, Delmar
11	Educational Services 90 Adams Pl., Delmar
12	Elsmere Fire House Poplar Dr., Delmar
13	Elsmere Grade School 247 Delaware Ave., Delmar
14	Parks & Recreation Building 261 Elm Ave., Delmar
15	Bethlehem Town Hall 445 Delaware Ave., Delmar
16	Bethlehem Lutheran Church 85 Elm Ave., Delmar
17	Delmar Fire House Delaware Ave., Delmar
18	Hamagrael School McGuffy Lane, Delmar
19	Bethlehem Central Middle School 332 Kenwood Ave., Delmar
20	St. Stephens Church Elsmere Ave., Delmar
21	Glenmont Grade School Route 9W, Glenmont
22	Selkirk Fire House #2 Glenmont Rd., Glenmont
23	Delmar Fire District Annex Feura Bush Rd., Delmar
24	Selkirk Fire House #2 Glenmont Rd., Glenmont
25	Glenmont Grade School Route 9W, Glenmont
26	Bethlehem Volunteer Ambulance Service 1121 Route 9W, Selkirk
27	Parks & Recreation Building 261 Elm Ave., Delmar
28	Bethlehem Historical Museum 1003 Route 144, Selkirk
29	Selkirk Fire House #3 Bridge St., So. Bethlehem
30	Selkirk Fire House #1 Maple Ave., Selkirk

The resolution was adopted by the following vote:

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

Noes: None.

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Supervisor Fuller asked Town Clerk Newkirk if there were any changes in the locations. Town Clerk Newkirk indicated there were no changes, they are the same as 1995. Councilwoman Davis asked if the new locations had worked well, noting they seemed to have. Town Clerk Newkirk said they had and seem to be better.

The following item was a recommendation from Administrator, David Austin, Parks & Recreation Department, for acceptance of donation from Bethlehem Opportunities Unlimited.

Donation from Bethlehem Opportunities Unlimited for Parks and Recreation

The motion was made by Mrs. Davis and seconded by Mr. Johnson to accept with thanks a donation in the amount of \$630 from Bethlehem Opportunities Unlimited for the Parks & Recreation Department to fund project adventure training for a staff member. The motion was passed by the following vote:

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

Supervisor Fuller noted she would send a letter of thanks for their generous donation.

The next item was a recommendation from David Austin, Administrator, Parks & Recreation Department, for approval of appointment of seasonal personnel.

Parks and Recreation approval of seasonal personnel

The motion was made by Mr. Putney and seconded by Mr. Johnson to approve the appointment of seasonal personnel at the titles and rated listed in the Memorandum from David Austin, Administrator, Parks & Recreation Department dated June 12, 1996. The motion was passed by the following vote:

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

The following item was a request from Comptroller, Judith Kehoe, for approval of hiring of a consultant regarding review of the policy on compensatory time.

Comptroller approval for consultant review compensatory time.

The motion was made by Mr. Putney and seconded by Mr. Lenhardt to approve the hiring of a consultant regarding review of the Town's policy on compensatory time. The motion was passed by the following vote:

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

The next item was a recommendation from Comptroller, Judith Kehoe, for acceptance of resignation of Account Clerk, part time. Supervisor Fuller said Corinna Raver has been a part time Account Clerk and worked for the Town for about 6 months and has accepted a position which better fits her long term career goals within the field of public accounting. She noted we wish her well and thank her for her wonderful contributions to the office during her brief tenure here.

Acceptance of resignation of Account Clerk part time from comptroller

The motion was made by Mr. Johnson and seconded by Mrs. Davis to approve the acceptance with regret of the resignation of Account Clerk, part time, Corinna Raver. The motion was passed by the following vote:

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

The next item was a recommendation from Chairman Richard Vanderbilt of the Traffic Safety Committee, regarding stop intersection on Dover Drive and Salem Road.

The motion was made by Mr. Lenhardt and seconded by Mr. Johnson to hold a public hearing on July 10, 1996 at 7:30 p.m. to consider proposed Local Law No. 11 of 1996 amending Vehicle and Traffic, Chapter 119, Article VII, Schedule 119-33, Stop Intersections to add a stop sign on Dover Drive at its intersection with Salem Road and Sheffield Drive at intersection of Hampton Street, Delmar, Town of Bethlehem. The motion was passed by the following vote:

Public Hearing scheduled for proposed Local Law No. 11 Stop inter-section Dover Drive

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

The next item was a recommendation from Traffic Safety Committee Chairman, Richard Vanderbilt, regarding through street designation for Kenwood Avenue.

The motion was made by Mr. Putney and seconded by Mr. Lenhardt to hold a public hearing on July 10, 1996 at 7:45 p.m. to consider proposed Local Law No. 12 of 1996 amending Vehicle and Traffic, Chapter 199, Article VI, Schedule 119-32, Through Streets to add additional intersections of Lavery Drive, Mason Road, Clermont Street, Harrison Avenue, Ridge Road, Alden Court, Greenleaf Drive, Pine Street, Maywood Road, Woodridge Road, Pinetree Drive, Hoyt Avenue, and Winne Place at their intersection with Kenwood Avenue, Delmar, Town of Bethlehem. The motion was passed by the following vote:

Public Hearing proposed law No. 12 to add inter-sections Kenwood AVE

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

The following item was a recommendation from Supervisor Sheila Fuller for the appointment of Frank Venezia, CPA, as a Member of the Bethlehem Industrial Development Agency. She explained Mr. Venezia is presently employed by Marvin and Company; is a CPA; and is Director of the Accounting and Auditing Department and she is sure he will bring great experience to serve on the IDA. Councilman Putney said he has demonstrated interest also.

Appointment of Frank Venezia serve on IDA

The motion was made by Mr. Putney and seconded by Mrs. Davis to approve the appointment of Frank Venezia, CPA, Albany, NY to the position of Member of the Bethlehem Industrial Development Agency. The motion was passed by the following vote:

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

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

Reduction bonding by Trinity Manor by Mr. Cirillo

The motion was made by Mr. Putney and seconded by Mr. Lenhardt to approve the reduction in bonding for Trinity Manor Subdivision, Phase 1, from \$150,000 to a new bond amount of \$62,000. following review of work completed by the Engineering Department and recommended by Engineering Services Administrator, Michael Cirillo. The motion was passed by the following vote:

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

The following item was a recommendation from Engineering Services Administrator, Michael Cirillo, for approval of release of bonding for Crossroads Subdivision.

Mr. Cirillo request release bonding for Crossroad subdivision

The motion was made by Mrs. Davis and seconded by Mr. Johnson to approve the release of bonding following review of work completed by the Engineering Department and recommendation by Michael Cirillo, Engineering Services Administrator for the Crossroads Subdivision. The motion passed by the following vote:

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

Noes: None.

The next item was a recommendation from Engineering Services Administrator, Michael Cirillo, for acceptance of easement from Niagara Mohawk Power Corporation regarding expansion of Elm Avenue Town Park. Supervisor Fuller noted this is the ball fields.

Mr. Cirillo
for acceptance
easement for
Niagara Mohawk
Elm Avenue Town Par

The motion was made by Mr. Putney and seconded by Mr. Lenhardt to accept the easement from Niagara Mohawk Power Corporation regarding expansion at the Elm Avenue Town Park, Delmar, to allow for additional ball fields. The motion was passed by the following vote:

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

Noes: None.

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Councilwoman Davis asked Mr. Austin if the flags in the fields were markers or anything. Mr. Austin noted it was part of the wetlands delineation. He said this was work done by the consultant and added there will be some small areas in there that will have to be protected. He further said it will not affect any of the actual fields in the plan.

The following item was a recommendation from Michael Cirillo, Engineering Services Administrator, for acceptance of easement for The Meadows Subdivision.

Mr. Cirillo
for acceptance
of easement
for Meadows
Subdivision

The motion was made by Mr. Lenhardt and seconded by Mr. Putney to accept the easement for The Meadows Subdivision as recommended by Engineering Services Administrator, Michael Cirillo. The motion was passed by the following vote:

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

Noes: None.

The next item was a recommendation from Engineering Services Administrator, Michael Cirillo, for acceptance of easements for Bender Lane road improvements.

Mr. Cirillo
acceptance
of easement
for Bender lane
Road improvement

The motion was made by Mr. Putney and seconded by Mr. Johnson to approve the acceptance of easements for the Bender Lane road improvements from Mr. and Mrs. Harold F. Thompson, Glenmont, NY and Mr. and Mrs. Carmelo Crisafulli, Jr., Delmar, NY. The motion was passed by the following vote:

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

Noes: None.

The next item was a recommendation from Engineering Services Administrator, Michael Cirillo, for acceptance of deeds for Fieldstone Creek Subdivision.

Mr. Cirillo
acceptance of deeds
for Fieldstone Creek

The motion was made by Mr. Johnson and seconded by Mr. Putney to accept deeds for Fieldstone Creek Subdivision from Klersy Building Corporation, Delmar, NY and Park Place Properties, LLC, Delmar, NY as

recommended by the Engineering Division of the Department of Public Works. The motion was passed by the following vote:

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

Request from Chief of Police transfer of funds

The following item was a request from Chief of Police, Richard LaChappelle, for transfer of funds from the Insurance Recovery Account to Collision Repairs due to two motor vehicle accidents.

The motion was made by Mr. Johnson and seconded by Mr. Putney to approve the request of Police Chief, Richard LaChappelle, for the Transfer of Funds from the Insurance Recovery Account to Collision Repairs in the amount of \$3,560.85, \$712.17 and \$445.45 for repairs due to two motor vehicle accidents. The motion was passed by the following vote:

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

Acceptance of donations to dare program from Chief of Police

The next item was a request from Richard LaChappelle, Chief of Police, for acceptance of donations to the DARE Program. Supervisor Fuller noted she would send a letter of thanks from the Town Board.

The motion was made by Mrs. Davis and seconded by Mr. Johnson to approve the acceptance with thanks of the following donations for the DARE Program:

L. Kavoukian - \$5.00 Northeast Framing - \$50.00
Slingerlands PTA - \$100.00 Karl Schrade - \$50.00
Delmar Rotary Club - \$500.00.

The motion was passed by the following vote:

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

Councilwoman Davis said just by the way, the Delmar Rotary Club made a number of donations to various organizations in the Town that night with their dinner. She said Youth Court was another and mentioned Senior Services also, as well as, meals on wheels. She said they have been very generous.

Certificate of approval Final Plat for Trinity Manor Planning Board

The next item was to acknowledge receipt of Certificate of Approval of Final Plat for the Trinity Manor Subdivision from the Planning Board for information purposes.

Approval Final Plat for Fieldstone Creek Planning Board

The next item was to acknowledge receipt of Certificate of Approval of Final Plat for the Fieldstone Creek Subdivision from the Planning Board for information purposes.

Approval Final Plat for Krumkill Manor

The following item was to acknowledge receipt of Certificate of Approval of Final Plat for the Krumkill Manor, Extension 1 Subdivision from the Planning Board for information purposes.

Receipt approval of Final Plat for Nunziato 2 lot subdivision Planning Board

The next item was to acknowledge receipt of Certificate of Approval of Final Plat for the Nunziato 2 lot subdivision from the Planning Board for information purposes.

The final item was approval of the Town Board minutes of May 22, 1996 as submitted.

Final approval Town Board minutes May 22, 1996

The motion was made by Mr. Putney and seconded by Mr. Lenhardt to approve the Town Board minutes of May 22, 1996 as submitted. The motion was passed by the following vote:

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

Supervisor Fuller asked if anyone in the audience wished to address the Board.

Mr. William J. Kelleher made a statement regarding the New Water Supply and asked that it be contained in the minutes. (See statement following minutes.) Mr. Kelleher made addition statements and raised other questions in discussion of his statement.

Mr. Kelleher read statement New Water Supply

Mrs. Nancy Scholes of Delmar next addressed the Board in regard to Mr. Kelleher's comments. She asked after reading the Spotlight, why it is necessary for the Town Board to alarm the community --referring to the quote of revisiting the issue of using the new water supply on the Hudson River. She further asked Mrs. Fuller to continue to press for the negotiations for a long term contract with Albany. Supervisor Fuller asked Mrs. Scholes to write a letter to Albany Mayor, Jerry Jennings or the Albany Water Board, Mr. Ferrara. Mrs. Scholes said she will. Supervisor Fuller said she has worked extremely hard and as recently as March 11, 1996 is the last response she has received. She said she just sent another letter 2 weeks ago asking for a response. She said there has not been a response from the City of Albany and indicated the Town of Bethlehem is working very hard to negotiate. Mrs. Scholes said she would try to help Supervisor Fuller with this. Supervisor Fuller said she would appreciate it.

Mrs. Scholes in regard to Mr. Kelleher's comments

Mrs. Scholes noted her water bill was received and it has to be an all time bargain, the price of water in Bethlehem. She recommended everything be done to get a long term contract in place with the City of Albany.

Mr. William Kelleher again addressed the Board.

Mr. Kelleher addressed the board

Supervisor Fuller asked if anyone else wished to address the Board. Mr. Samsel said in the campaign last year and again this evening, there is constant references to human sludge at the river. He said he would like to know where that is coming from, because 3 truck loads a day go out of the sewerage plant. He said the river is dredged to 38 feet and the well, he understands, is 125 feet, asking how all this impurity is getting into the well.

Mr. Samsel addressed the board

Supervisor Fuller said she thinks it is time for the meeting to be adjourned to Executive Session to discuss personnel matters.

Supervisor Fuller adjourn to executive session to discuss personnel matters

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

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

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

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

Kathleen A. Newkirk
Town Clerk

EXECUTIVE SESSION

There was no formal action taken at the Executive Session.

STATEMENT BEFORE THE TOWN BOARD, JUNE 12, 1996,
CONCERNING THE NEED TO TEST THE NEW WATER SUPPLY

By
William J. Kelleher

The design of the Town's new water supply involved many violations of good engineering practice. The results are an extremely poor quality drinking water, a well that will fail within two years and a 13.9 million dollar waste of taxpayer's money. The water quality is being tested but the well yields during low flows in the Hudson river must still be determined.

The well and water treatment plant have been operated at a rate of 2.2 million gallons of water per day (MGD). After three months of operation it is clear, beyond any shadow of a doubt, that the poor water quality is caused by Hudson river water leaching down through septic sludge deposits lying on the bottom of the river. The ammonia, organic nitrogen, iron, manganese and phosphates picked up from the sludge all contribute to the poor water quality.

The iron dissolved out of the septic sludge deposits will precipitate out of solution as it becomes exposed to oxygen near the well. The iron hydrate that is formed will clog the aquifer sands and the well yield will slowly decrease with time. Since the well yield is the lowest during the dry summer months, or low flow in the Hudson river, the well will probably fail during the months of July or August. Therefore the Town should test the well this summer to obtain the necessary engineering data to predict how long it will take for well failure.

It is recommended that the Town test both the treatment plant and the well at the design rate of 6 MGD during the months of July and August of this year. An independent, properly supervised well pump test, will provide the necessary data to predict seasonal well yields and when the well will fail. The water can still serve industry and the excess can be distributed to residents for the two months. This will allow residents to use their senses of sight, smell and taste to judge the water quality. However if the Town Board still wishes to keep the commitment that a majority of residents will never have to drink the water, the raw water above that necessary to meet the industrial demand, can be wasted and only the well tested at 6 MGD.

If you were to buy a new 1996 car you would test it out. If you found that the gas mileage and the acceleration were far below what they were advertised to be you would go before the State and invoke the lemon law. If the State upheld the dealer you would go to court after you had the car tested by independent experts. You would not use the speculations, assumptions and poor engineering that went into the design of the car. Why is the Town's new water supply different?