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TOWN BOARD  
JUNE 14, 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  
Doris M. Davis, Councilman  
Freeman T. Putney, Councilman  
Bernard Kaplowitz, Esq., Town Attorney  
Kathleen A. Newkirk, Town Clerk

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Appointment  
full time  
Telecommu-  
nicator

Supervisor Fuller welcomed everyone to a meeting of the Bethlehem Town Board. The first item on the agenda was a request from Chief of Police for appointment of Christopher Hansen as a full time Telecommunicator effective June 15, 1995 at a rate of \$21,513 annually. Supervisor Fuller noted he is currently a per diem employee. She also noted there is another employee resigning as full time later on the agenda.

The motion was made by Mr. Putney and seconded by Mr. Lenhardt to approve the appointment of Christopher Hansen, Selkirk, NY to the position of full time Telecommunicator at a rate of \$21,513. annual salary, effective June 15, 1995. The motion was passed by the following vote:

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

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Set public  
hearing for  
stop inter-  
sections in  
Colonial Wood-  
lands

The next item was a recommendation from the Traffic Safety Committee regarding stop intersections in the Colonial Woodlands development. This would be to set a public hearing for stop signs proposed at West Poplar Drive at East Poplar Drive; East Poplar Drive at Maywood Rd., Woodridge Rd., Lavery Dr. and Clermont St.; and Greenleaf Dr. at Maywood Rd.

The motion was made by Mr. Webster and seconded by Mr. Putney to set a public hearing for July 12, 1995 at 7:30 p.m. to consider amendment to the Code of the Town of Bethlehem, Vehicle and Traffic, stop signs at West Poplar Drive at East Poplar Drive; East Poplar Drive at Maywood Rd., Woodridge Rd., Lavery Dr. and Clermont St.; and Greenleaf Dr. at Maywood Rd. The motion was passed by the following vote:

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

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Councilman Putney asked if this also included the Lasher Road request. The Supervisor indicated it did not, noting it will be on the June 28, 1995 meeting agenda.

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Supervisor Fuller noted Mrs. Davis called in regard to her being late due to an emergency.

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Appointment  
of part time  
clerk  
Senior Citizens  
Services

The next item was a request from Senior Citizens Services Director for approval of appointment of part time clerk at a rate of \$6.46 per hour. Supervisor Fuller indicated this appointment is made due to the absence of one of the part time office workers.

The motion was made by Mr. Lenhardt and seconded by Mr. Webster to approve the appointment of Cheryl Davies, Delmar, NY to the position of part time summer clerk at a rate of \$6.46, retroactive to May 22, 1995. The motion was passed by the following vote:

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

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The next item was to accept the resignation of Deputy Town Clerk, Gloria Johnson, effective July 6, 1995. Supervisor Fuller noted Deputy Johnson has been an employee of the Town for the past 16 years and has done a fine job both for Parks & Recreation Department and the Town Clerk's job.

Accept resignation of Deputy Town Clerk

The motion was made by Mr. Webster and seconded by Mr. Putney to accept with regret the resignation of Deputy Town Clerk, Gloria Johnson, for retirement purposes effective July 6, 1995. The motion was passed by the following vote:

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

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The next item was receipt of a recommendation from the Planning Board regarding the Draft Environmental Impact Study for Southgate Commons. Supervisor Fuller noted for everyone's information that this evening was not the time for public comment. She noted this is simply for the Town Board to determine if the Draft EIS is complete to open up the public review process. Supervisor Fuller called upon Mr. Lynn Sipperly from Smith and Mahoney to do a brief presentation of the Southgate proposal.

Recommendation on Draft EIS for Southgate Commons

Mr. Sipperly thank the Supervisor and Town Board for allowing him to appear before the Board. He reviewed briefly the project. He noted the enhancements done to the original draft EIS. He noted the location of the proposed project indicating it was on Route 9W at the corner of Bender Lane. He said the site is 75.5 acres in size. He explained the highway network in the area. He exhibited a drawing of the layout for the proposed shopping center. He said it would be a strip type mall or conventional shopping center consisting of an anchor tenant on each end with retail connecting the major stores. He said there is also a proposal for 4 out stores on the premises.

Mr. Sipperly said the center is 424,000 square feet. He indicated the center is driven by the tenants who are proposed to develop at this center. He said they are asking for a plus or minus 5 percent size. He said 454,000 square feet was the base number used in all the studies. He said they have identified a Super KMart as being the anchor tenant at the south end of the site. He said they will occupy 464,000 square feet and another anchor tenant at the north end of the site at 11,500 square feet. The in fill retail is 104,744 and the 4 out parcels an aggregate of 29,000 square feet, the largest being 9,000 which is the parcel on the north side of the site. He noted the plan proposes 2,606 parking spaces. He said the number of parking spaces is driven, again, by the tenants' requirements. He noted the parking is in excess of the minimum parking required under the Code. The property is zoned PCD which is Planned Commercial District. The use is a permitted use in the district, according to Mr. Sipperly.

Mr. Sipperly said in the planning of the site they were directed by the Zoning Ordinance which outlines specifically what can be built and how to evaluate the site for buildable area. He said the site has been analyzed, identifying areas which are not suitable for development. He further indicated what they are developing is 75 percent of what could be developed on the site.

Mr. Sipperly noted the proposed shopping center allows for 3 entrances on Route 9W and 1 on Bender Lane. He said 2 of these are full operating intersections with traffic both entering and exiting. The one at the north end is an entrance only. He said there is a 4th entrance proposed which is on Bender Lane approximately 500 feet back from the intersection of Route 9W.

Mr. Sipperly said they have determined 48 acres to be the developable site. He said this is the figure used for densities with regard to the development of the parcel. He said the lands behind that line would be undeveloped and left as green space. He said site statistics include the development parcel as 48 acres which is 63 percent of the site which means 27 acres is undeveloped. He said pavement area amounts to 30.6 acres and building area is approximately 10 acres. He said they have also included, as the Zoning regulation requires, to integrate and incorporate green space within the developed shopping center area. He said they have 2 green space numbers -- one is what they call parking lot green which is the islands within the parking lot, 1.2 acres; and then development parcel green which is the bans which are around the perimeter of the property, 6.5 acres -- leaving a total green development of the parcel at 7.72 acres. He noted adding the undeveloped area plus the developed green area, there is 35.4 acres or 46 percent of the site that will be green once construction is completed.

Mr. Sipperly noted the plan shows the landscaping proposed. He said they feel it is a moderately dense landscaping plan. He said they have been very conscious of the views that will be seen by motorists as they drive past, as well as, the residents of Magee Drive and Bender Lane.

Mr. Sipperly reviewed the enhancements added to the DEIS since the last submission. He said in the process of designing the parcel several studies were performed -- a geotechnical study to assess the soil conditions and slope stability. He noted they will be filling in several ravines on the site. He said the study also provided a series of lines that were determined to be safe set back lines. A traffic study was also a major study to assess what the impact would be on the traffic. He said the traffic study indicated the current conditions and considered the operation in these areas in 1996 if the project was not built and what the impact would be by the project. He said the traffic study was also enhanced to provide more information in regard to highway capacity and accident history at various intersections and a variety of other information requested. One issue that was not comprehensive in the original document was the visual impact of the project. Mr. Sipperly noted since the original statement was performed, they did more extensive impact analysis. He said they did this both at the present condition and projected after the construction. He indicated they studied Route 9W, Bender Lane and Route 32.

Mr. Sipperly said originally they only did a phase 1A archeological study of the site, indicating since that time they have completed a phase 1B and a phase 2. He said the phase 1B study identified 5 sites that may contain prehistoric cultural detail that should be further investigated. He said they went further and authorized the phase 2 to be performed which eliminated 2 of the 5 sites. He said the recommendation of the archeologist was that the 3 remaining sites be monitored during construction.

Mr. Sipperly said they did more detail with regard to the impact on community services. He noted the community services would be fire, police, emergency medical services and said it was indicated that there would be no problems. Mr. Sipperly said the Police Chief knows there would be more calls due to the shopping center size and location. He said this is common just because of the additional traffic and people that would be at this facility. The Chief did not quantify exactly what additional burden that would be. Mr. Sipperly said they also looked at what the impact on community service would be with regard to the economic impact of the project. He said there are several studies that have looked at various land use and impacts. He said the studies showed that 36 cents of every tax dollar would probably go to increased community services but the

situation is that there would be a positive gain so to speak. He said taxes would more than offset the community services impact.

Mr. Sipperly said they also looked at site lighting and signage. He said there is no clear definition of signing in the Zoning Ordinance. He said they reviewed the signage and found that the signage proposed is less than what would be permitted in other commercial districts. He said the signage is informational signage at each of the entrances. He said there would be signage on the buildings, indicating these would be in conformance with the regulations. He said there was a discussion of the height of the lighting also and the air quality study reviewed. He said this was discussed with En Con.

Mr. Sipperly said they looked at the economic benefit analysis, water resources, water quality, bank stabilization, erosion control, storm water management plan and the effects of the flood plain within the stream that is located along the westerly boundary.

Mr. Sipperly said there were a couple of other alternatives to development. Alternative number 1 was a reduced center size of 250,000 square feet. He said the scoping DEIS asked to look at this. He said they changed their analysis of that in the new proposed alternate 1. He said the site lays out with the KMart being the anchor store and some detached retail. He said they are proposing to construct an interconnecting roadway to connect the north and south parcels. One major difference of the plan, Mr. Sipperly said, is not to fill the ravine. He said 2 driveways would still be constructed at Route 9W. He said with the reduction, the impacts reduce and the highway improvements would reduce. He said they are proposing the widening of Route 9W for turning movements. He said 3 out parcels would remain. Parking ratios were similar.

Alternate 2, according to Mr. Sipperly, was to develop a connector road from Route 9W to Route 32. Alternate 2 is the same alignment as originally proposed with improvements down to the stream and construction of a new roadway to Route 32 at a point midway between Kenwood Avenue and Bender Lane. He said the road would be about 5,000 feet in length and be a 2 lane highway. He said there is a cost associated with this.

Alternate 2B, which they are considering, the principal review or examination was to look at a road, again connecting between Route 9W and Route 32 but the road would be at the north side of the site. He said one of the benefits of this alignment and location is that it significantly reduces the length of the road. He said 2B also has this alternate road alignment and 2 intersections on Route 9W. He said plan 2A would be the same road alignment but eliminates the driveways to Route 9W and provides access to the site from 2 points -- a new intersection at the north end of the site onto the connector roadway and the second would be off Bender Lane.

Mr. Sipperly said they further looked at an alternative, 3, a reduced shopping center size. He noted this is actually a variation from the initial plan of 424,000 feet. He said the major difference is that they are preserving the large ravine in the center of the site, KMart is the anchor tenant on the south parcel and there is another anchor tenant proposed on the north parcel. He said the retail is much smaller and they retain the same 4 out parcels along Route 9W. He said this indicates a retail area of 360,000 square feet. He said they are proposing the same number of driveways off of Route 9W. He said there is also the entrance on Bender Lane. He said it varies slightly because it has been reevaluated and rotated the positioning of the KMart building on the site. He said this provides a better alternative arrangement for the building.

Mr. Sipperly said this was a brief overview of all the studies. He said if the Board, after the public comment period, determines the DEIS to be complete, they will go into much further detail than now to quantify the impacts and how they are proposing to mitigate the impacts.

Supervisor Fuller thanked Mr. Sipperly. The consultants were asked to report on the DEIS as far as being complete. Mr. Cummerly

with Tectonic Engineering and Ted Fink, President of Greenplan Inc. were in attendance. Mr. Cummerly said they did an initial review of the DEIS and prepared a report in December of 1994. He said they listed approximately 360 questions that were both technical and completeness issues. From that initial report, they came up with a list of approximately 50 percent of them that were completeness issues that were requested to be addressed. He said they have responded to the questions and they have looked at the issues in regard to the adequacy and the content as far as being available for public review. He said this does not mean that Tectonic and Greenplan agree with all the issues as presented from a technical standpoint. He noted drainage and archeological areas are not necessarily agreed upon, however, the initial concerns have been addressed. He said it comes down to the point that the document is considered complete as far as public comment goes. He said there is enough information in the DEIS, in their opinion, that covers the issues so the public can make an informed comment on the issues as presented.

Mr. Fink of Greenplan said the only thing he had to add to Mr. Cummerly's comments was that in reviewing the document for completeness, they were guided by the scoping document that was adopted by the Board upon the recommendation of the Planning Board almost 2 years ago, as well as, by the requirements of the SEQR regulations for the content of a DEIS. He said what needs to be kept in mind is that this document is a draft document. It is the applicant's document. It is their presentation of their plan, as well as, their assessment of what the potential impacts are, the mitigation that they have proposed to address those impacts, as well as, any of the alternatives to the project. For it to be a draft document, Mr. Fink explained, it need not be necessarily a "perfect" document. In fact, requiring the applicant to continue to go through all sorts of scenarios actually defeats the purpose of a draft document. He said the idea with the completeness review is to ensure that adequate information has been provided to enable the public to make some intelligent comment on the document, as well as, the interested and involved agencies. They feel at this point, the document has done that and it should be presented to the public and involved and interested agencies for their opportunity to review the alternatives, as well as, to review the applicants proposed project. With that said, Mr. Fink said this is pretty much the sum and substance of the report that was made to the Town Board and Planning Board.

Supervisor Fuller thanked Mr. Cummerly and Mr. Fink. She asked if there were any questions from the Board Members at this time. She noted the Members have before them a resolution accepting the DEIS as complete, establishing the public comment period and setting the SEQR hearing. She asked for a motion to approve the resolution that is prepared which would establish a public comment period which would begin on the 16th of June and run through August 19, 1995. The public hearing would be set for August 9 at 7:30 p.m. and this will be sent back to the Planning Board for the purpose of receiving public comment on the draft EIS. She said by making this motion the report is declared complete for review by the public. She said it is not a position of the Town Board on the Southgate shopping center itself. The 60 day comment period and the public hearing for August 9, 1995 at 7:30 is part of the resolution.

Resolution  
SEQR hearing  
Southgate Commons

Town Board of the Town of Bethlehem  
SEQR Resolution  
Accepting the Draft Environmental Impact Statement  
and Establishing Public Comment Period and SEQR Hearing  
Southgate Commons Development

WHEREAS, the Town Board of the Town of Bethlehem has received an application from the Rubin Organization for Building Project Approval to develop Planned Commercial District (PCD) Number 2 for use as a +/- 424,000 square foot shopping center with parking for +/- 2,606 vehicles; and,  
WHEREAS, the overall development parcel consists of +/- 75.7 acres of land located on US Route 9W between Bender Lane and NY State Route 32, and is currently zoned Planned Commercial District; and,

WHEREAS, Article V of the Code of the Town of Bethlehem provides the Town Board with the authority to establish Building Projects within Planned Commercial Districts, and further provides that the Town Board shall refer all applications for establishment of a Building Project to the Town Planning Board; and,

WHEREAS, the Town Board of the Town of Bethlehem, after duly circulating the project's application and Environmental Assessment Form (EAF) to all Involved Agencies, declared itself the SEQR Lead Agency for review of the proposed development; and,

WHEREAS, having reviewed the potential environmental effects of the proposed project, as identified in the EAF, the Town Board of the Town of Bethlehem issued a Positive Declaration on July 28, 1993, requiring the applicant to prepare a Draft Environmental Impact Statement (EIS); and,

WHEREAS, the "Memorandum of Understanding between the Town of Bethlehem Town Board and Planning Board for Planned Development Districts" (MOU), adopted by the Town Board on February 27, 1991, sets forth the procedures for incorporating the requirements of the State Environmental Quality Review Act (SEQR) with Article V of the Code of the Town of Bethlehem for the review of Building Projects within established districts; and,

WHEREAS, in accordance with the provisions of the MOU, the Planning Board conducted a Scoping Session on September 7, 1993 to identify each relevant issue to be studied in the Draft EIS and, following circulation of the proposed Scoping Document to interested parties and on the basis of further discussion at the Planning Board's meeting of September 21, 1993, adopted a "Final Scope of the DEIS for the Proposed Southgate Commons Building Project" on September 21, 1993; and,

WHEREAS, on March 28, 1994 the applicant's "Southgate Commons Draft Environmental Impact Statement" was first submitted to the Town of Bethlehem Planning Board; and,

WHEREAS, the Town retained the services of the Joint-Venture of TECTONIC Engineering Consultants, P.C. and GREENPLAN Inc. to assist the Town in its review of the document; and,

WHEREAS, on September 13, 1994, the Joint-Venture of TECTONIC Engineering Consultants, P.C. and GREENPLAN Inc. submitted a report to the Town and the applicant entitled "DEIS Completeness and Technical Review for Southgate Commons" (dated September 1994), which report recommended that the Southgate Commons Draft EIS not be accepted as complete; and,

WHEREAS, the Planning Board of the Town of Bethlehem, at its regular meeting on September 20, 1994, after independent review of the Draft EIS, accepted the recommendation of the Joint-Venture of TECTONIC Engineering Consultants, P.C. and GREENPLAN Inc. with respect to the completeness of the Southgate Commons Draft EIS and recommended that the Town Board deem the Draft EIS Incomplete; and,

WHEREAS, the Town Board of the Town of Bethlehem, acting as SEQR Lead Agency, at its regular meeting on October 12, 1994, accepted the recommendations of the Planning Board with respect to completeness and reached its own independent conclusion that the DEIS was not complete with respect to its scope, content and adequacy for the purpose of commencing public review; and,

WHEREAS, the Town Board subsequently notified the applicant of the deficiencies in writing and directed the applicant to revise its Draft EIS in accordance with the Joint-Venture of TECTONIC Engineering Consultants, P.C. and GREENPLAN Inc. report; and,

WHEREAS, On April 12, 1995, the applicant resubmitted a revised Draft EIS to the Town for a completeness review with respect to the document's scope, content and adequacy; and,

WHEREAS, the Joint-Venture of TECTONIC Engineering Consultants, P.C. and GREENPLAN Inc. have reviewed the resubmitted Draft EIS and prepared a report to the Town (dated May 15, 1995), which report

1. concludes that the Draft EIS conforms to the requirements contained in 6 NYCRR Part 617 insofar as the same pertains to scope, content and adequacy of a Draft EIS, and,
2. recommends that the Town Board deem the Draft EIS complete for the purpose of commencing public review; and,

WHEREAS, the Planning Board, at its meeting on May 31, 1995, accepted the recommendations of the Joint-Venture of TECTONIC Engineering Consultants, P.C. and GREENPLAN Inc., and after conducting its own independent review of the Draft EIS recommended that the Town Board accept the Draft EIS as complete with respect to its scope, content, and adequacy; and,

WHEREAS, the SEQR regulations at 6 NYCRR 617.8 establish procedures for: (1) filing a Notice of Completion of a Draft EIS; (2) receiving public comment on a Draft EIS; and, (3) notice and conduct of a SEQR hearing;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Bethlehem, after conducting its own independent analysis of the Draft EIS completeness issue, including review of the revised Draft EIS, the Joint-Venture report dated May 15, 1995, and the Planning Board's recommendation to accept the Draft EIS as complete, hereby determines that the Draft EIS for Southgate Commons is complete with respect to its scope, content and adequacy for the purpose of commencing public review; and,

BE IT FURTHER RESOLVED, that the Town Board hereby establishes a public comment period on the Draft EIS for Southgate Commons which will run through August 19, 1995, inclusive; and,

BE IT FURTHER RESOLVED, that the Town Board, in consideration of the scope of public interest and environmental issues associated with the proposed development, hereby determines that the Town Board shall hold a Public Hearing on the Draft EIS for Southgate Commons and said Public Hearing shall be scheduled for August 9, 1995, at 7:30 p.m., at the Bethlehem Town Hall; and,

BE IT FURTHER RESOLVED, that the Town Board of the Town of Bethlehem hereby adopts the attached Notice of Completion of Draft EIS and Notice of Public Hearing and directs the Town Planning Department to file the Notice as required by 6 NYCRR 617.8(c) and (d), and to undertake any and all other relevant responsibilities so that the intent of this Resolution is carried out; and,

BE IT FURTHER RESOLVED, that in accordance with the MOU between the Town Board and Planning Board, the Southgate Commons application is hereby referred back to the Planning Board for the purpose of receiving written public comment on the Draft EIS and for further consideration of the Building Project application.

On a motion by Mr. Putney, seconded by Mr. Webster and a vote of 4 for and 0 against, and 1 absent, this RESOLUTION was adopted on June 14, 1995.

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Supervisor Fuller thanked everyone for being understanding that this was not the time to comment tonight. She said the Town Board Members did not have any questions this evening, but noted everyone is subject to the public comment rule and time frame.

Supervisor Fuller thanked everyone.

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The next item was a request from Chief of Police for approval of employment of other municipalities Telecommunicators on an as needed basis. Supervisor Fuller explained this is after we have gone

through our full time and per diem employees, that perhaps other municipalities can be contacted if the need arises.

Approval of Telecommunicators from other municipalities

The motion was made by Webster and seconded by Mr. Putney to approve the hiring of Telecommunicators from other municipalities if the need arises. The motion was passed by the following vote:

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

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Councilwoman Davis arrived at the Town Board meeting at 8:15 p.m.

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The next item was a recommendation from Chief of Police for acceptance of resignation of Telecommunicator Mohlenbrok effective June 11, 1995 and to be appointed on a per diem basis.

Resignation of Telecommunicator

The motion was made by Mr. Webster and seconded by Mr. Putney to approve the acceptance of a resignation from the position of full time Telecommunicator effective June 11, 1995 and appoint as per diem Telecommunicator Gena Mohlenbrok, effective June 11, 1995. 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 recommendation from Highway Superintendent for award of bid for motor oil for the year 1995.

Recommendation from Highway Superintendent for award bid on Motor oil

The motion was made by Mr. Webster and seconded by Mr. Putney to approve the award of the bid for motor oil for the year 1995 as recommended by Highway Superintendent, Gregg Sagendorph, to the following for the items indicated:

Items 1,2 and 4, Stark Northeast, Schenectady, New York and Item 3, R.H. Crown Co., Inc., Johnstown, New York.

The motion was passed by the following vote:

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

Supervisor Fuller noted this a joint bid, Town bid and County bid to take advantage of the lowest price.

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

Approve Seasonal Personnel for Parks and Recreation

The motion was made by Mrs. Davis and seconded by Mr. Putney to approve the appointment of seasonal personnel as listed and at the rates and titles indicated as recommended by David Austin, Administrator, Parks & Recreation Department, in his memorandum dated June 14, 1995. 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 next item was a request from Commissioner of Public Works, for approval of change order for Contract 1G, Wastewater Treatment

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Plant, approving a change in language in the contract. Mr. Kaplowitz has reviewed the changes, according to Supervisor Fuller, noting it is basically word changes.

Approval for change in language on contract IG  
DPW

The motion was made by Mr. Putney and seconded by Mr. Lenhardt to approve the change order for Contract 1G, Wastewater Treatment Plant, approving a change in language in the contract. 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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Approval of issuance of trailer permit Building Inspector

The following item was a request from Building Inspector for approval of issuance of trailer permit for the Marie Rose Manor site.

The motion was made by Mr. Lenhardt and seconded by Mr. Webster to approve the issuance of a trailer permit for the Marie Rose Manor site as recommended by Building Inspector, John Flanigan. 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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Approval for part time archivist

The following item was a request from Town Historian for approval of a part time archivist to work on the preservation of Archival Records with amount set at \$1200. Supervisor Fuller explained this is money funded from the Bicentennial Commission to preserve our records.

The motion was made by Mr. Webster and seconded by Mr. Putney to approve the request for a part time archivist to work on the preservation of Archival Records in the amount of \$1,200 as requested by Town Historian Joseph Allgaier. 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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Statement Water expansion facility

Supervisor Fuller asked if anyone in the audience would like to address the Board. Mr. William Kelleher made a statement (following the minutes of this meeting, including his letter to Supervisor Fuller, as requested to be part of this information.)

Mr. Kelleher said he sent a letter, June 1, 1995, and said he wanted this to be a matter of record for this meeting. He said it shows his qualifications and explains why he is here tonight. He said he is a resident of the Town for 37 years and has a good background in this particular field. If he was here talking about traffic control or something like that, he would not be here. He said he feels he has a moral obligation. He said he is retired, he has nothing to gain from being here except to protect himself and the other residents of the Town particularly against a big financial loss that is going to occur.

Mr. Kelleher read his statement.

Added following number 3:

Now, this is not in my prepared testimony but let me say something. I underlined assumed because I want you to understand that we are spending 28 million dollars over a 30 year period based on a false assumption.

Added following number 6:

Now, this is not in my prepared testimony either. If that well were located say 200 feet back from the river there would be no problem in the tidal fluctuations. But, because it is located 25 feet from the river, you do have this problem. It is a well known problem. It should have been recognized and it wasn't.

Mr. Kelleher thanked the Board.

Supervisor Fuller asked if there was anyone else who wished to address the Board. Mr. Robert Samsel, Selkirk, said he takes issue with Mr. Kelleher that this will be the only community getting Hudson River fed water. He said he wonders if he knows that the Town of Colonie gets their water directly from the Mohawk River, as does numerous other communities down the Hudson River. He said water can be treated, it can be absolutely clear water as Alcove Water is called pure. It is no more pure than he is, Mr. Samsel said. He said the Alcove water shed is in a rural area where the horses and cows outnumber the people, in addition to their generous organic deposits, the farmers also use chemical fertilizers. He said when this winds up in the reservoir it is known as agricultural run off. He said if Albany water was permitted to go directly to Albany without treatment, their sanitary sewers would be overtaxed and you wouldn't be able to buy a bottle of Kaopectate any place. Mr. Samsel said the water becomes pure when it goes through the ancient purification plant up on Aqueduct Road. He said we will have the same plant except there will be a modern building instead of being 60 years old. There is a continuous attempt, Mr. Samsel said, to tie us to Albany water. In spite of all the letters in the Spotlight, it is purely political, Mr. Samsel stated. He said he has not heard one word from the Spotlight about Hy Rosen's excellent cartoon. He said he hasn't heard any justification for Mayor Jennings attempting to hold the Town up. He said the unnatural silence of Clearwater leads him to believe that they are suffering from an acute case of political embarrassment. Mr. Samsel thanked the Town Board.

Supervisor Fuller asked if anyone else wished to speak. Karen Bonventre said she first speaks as a representative of Citizens Monitoring Southgate just to say they hope to see the continued involvement of the consultants in the process. She said they have been very impressed by their work and hope they continue.

Mrs. Bonventre shifted her hat and told the Town Board that she is serving on the State Commission on the Capital Region. She said she wanted to make contact with the Town of Bethlehem with regard to that. She said last fall she was appointed by then County Executive, Michael Hoblock, to represent the County of Albany. She said on the Commission (it is also known as a regionalization commission) and obviously since she is a resident of the Town of Bethlehem, she also would like to make some outreach comments to the Town. She said this commission is looking at regionalization in the Capital Region 6 county area. She said they are currently looking at 5 subject areas (i.e. land use planning, economic development, transportation, solid waste and administration.) She noted she is chairing the land use advisory committee for a meeting over the summer. The commission hopes to have a draft report by December or January and they are required to have a final report to the Governor and the local elected officials by July. She said she would be very interested in any comments that the Board might have and if she can help with any questions -- just to let the Board know she is there -- and tell them about it. Supervisor Fuller thanked Mrs. Bonventre. Councilwoman Davis asked that Mrs. Bonventre let the Board know when the meetings will be scheduled. Mrs. Bonventre suggested she put a name on the mailing list. Mrs. Davis suggested the Supervisor be put on the list. Supervisor Fuller said Charlotte Buchanan has been in and met with her. Mrs. Bonventre said she is officially appointed to represent the towns of the County of Albany. Supervisor Fuller thanked Mrs. Bonventre.

State  
Commission  
on the  
Capital Reg.  
Citizen of  
Bethlehem  
appointed

Mr. Phil Rosenberg, a new resident of Delmar, asked the Board -- since the issue of water is being discussed -- regarding the cost of the Hudson River water plant. He said he understands it is going to

cost approximately 13.9 million dollars or about 28 million dollars over 30 years. He said he also understands that we are currently purchasing water from Albany for about \$600,000 per year. He said the way he figures it, when you compare the debt service on 13.9 million dollars, it is at least twice as much as the cost of the water that we are purchasing from Albany. So, his question to the Board is, how do they explain... how do they justify the cost of the Hudson River water treatment center. He said anyone can answer the question. Supervisor Fuller said she would be glad to answer him. Industry is paying for the construction and cost of the water. The City of Albany has been in negotiations with the Supervisor since last August on a contract for a supplemental supply of water for the Town. Perhaps, Supervisor Fuller suggested, Mr. Rosenberg should ask the question in the City of Albany -- what the cost of the water to the Town of Bethlehem is. Mr. Rosenberg asked if it was about \$600,000 per year. Supervisor Fuller said it runs up to a million at least. Mr. Rosenberg said it runs up to a million, indicating the press reports... Supervisor Fuller said the press reports a lot of different things. Mr. Rosenberg said the last press report in the Times Union regarding the cost of the water to Bethlehem said it was about \$600,000 per year. He asked if the Supervisor was saying the cost of water is more than that. Supervisor Fuller said it is. Mr. Rosenberg asked how much it was. Supervisor Fuller said it is close to a million this year. Mr. Rosenberg asked why that was... what explains the reason between the \$600,000 and a million. Supervisor Fuller suggested Mr. Rosenberg ask the Times Union that wrote the article. Mr. Rosenberg said okay. Supervisor Fuller said that would be the answer to the question. Mr. Rosenberg said in any event, one other question -- if it is a million dollars, the... he said he wanted to see if he understood this... the cost justifications in going forward, the projections, the financial projections that the experts prepared for the Board, said that the cost of the water would be approximately 1.7 million dollars, so right there there is a difference of \$700,000... approximately 70 percent more than what is being told and he asked what explains that difference. Supervisor Fuller said the volume of water that is used, what we are purchasing and what can be produced by the Town. Mr. Rosenberg asked if the Supervisor was saying that the estimates prepared by the experts were not entirely correct. Supervisor Fuller said she was not saying that. She said the people who prepared them are sitting in the meeting and perhaps they can ask them, noying Mr. Fraser and Mr. Secor were in attendance.

Mr. Secor said the reports that were prepared are on file in the Library and all of the projections are right in those reports. Mr. Rosenberg said he understands that. Mr. Secor said the difference is that the Times Union was reporting a wrong number. The Town will buy about a million in water and it would increase in the future. Mr. Secor said he would have to go back and look at the report. Mr. Rosenberg said he understands but the most recent projection says it is 1.7 million dollars. Mr. Secor said that is correct. Mr. Rosenberg asked if that projection was off. Mr. Secor said the numbers we are working with are the same numbers that were presented. Mr. Rosenberg said this was not answering his question. He said his question was, are the numbers in the financial projection which were prepared a couple years ago different from actually what is happening now. Mr. Secor said they are about the same. Mr. Rosenberg said it is 1.7 million dollars. Mr. Secor said again he did not know where he got that number but he would have to look at it. Further discussion continued between Mr. Rosenberg and Mr. Secor. Mr. Rosenberg noted the financial projection was prepared on November 27, 1991.

Supervisor Fuller asked Mr. Rosenberg if he had other questions while the information was being reviewed. Mr. Rosenberg said no, he would like to stick with that because he is curious with respect to the discrepancy between what was projected when the Board made a decision to go forward and what is actually happening now. Mr. Secor said there isn't any. He said when you look at the financial projections, there is a series run. He said there is a summary one. He said that might be the one Mr. Rosenberg was looking at but the use projections are all in the report. Mr. Rosenberg asked if Mr. Secor was saying that we are paying 1.7 million dollars to Albany for water. Mr. Secor said what he is saying is that if we were to

purchase all of the supplemental water from Albany, you would be into the numbers you are showing. Mr. Rosenberg said that we are not purchasing all of the supplemental water from Albany. Basically, Mr. Rosenberg said, his question is this... it is very simple, there were cost projections prepared for the Board, simple... those cost projections have certain numbers. His understanding is that the cost projection for this year was 1.7 million dollars and his question is, is that accurate -- yes or no. And if not, Mr. Rosenberg asked, like how much is the discrepancy. Do we know, he asked further, or do we have any answers. Mr. Secor said the cost projection from 1991 had assumed that the Cogen plant and our new plant were going to be on line this year, which did not happen. So that the actual numbers of the water that is consumed, the water that is projected is not total for 1995. They did not go into complete production for this year. Again, you have to go back and look at the analysis.

Mr. Rosenberg again said Mr. Secor was not answering his question. He said the question is with respect to the cost projections for purchasing water from Albany, this year, it said it would be approximately 1.7 million dollars, is that accurate. Mr. Secor said he would have to see the chart. He said he does not know where he is picking up that number.

Supervisor Fuller asked if there was anyone else who would like to address the Board. Mr. Samsel asked if he could ask Mr. Fraser a question. Mrs. Fuller asked Mr. Samsel to wait.

Mr. Secor and Mr. Rosenberg continued to review the reports. Mr. Secor said the number was correct. Mr. Rosenberg asked when he says that is a correct number, was he saying that it... Mr. Secor said for the deficit. Mr. Rosenberg said... for the deficit, the deficit itself is not correct. Mr. Secor said, again that is a 1996 projection. Mr. Rosenberg said that projection in actuality won't be correct. Mr. Secor said he thinks it will be correct. Mr. Rosenberg asked based on what. Supervisor Fuller asked if it was about 1996 that they are talking about. Mr. Rosenberg said he guesses it is the first year. So, if it was the first year it was prepared, I guess 1996. But, Mr. Rosenberg said, his question is in 1996, even if the Town pays 1.7 million dollars in 1996 and we are only paying 1 million dollars now, how do we explain that discrepancy. Councilman Putney said it is the volume of water. Mr. Rosenberg asked if we would be purchasing that much more water from Albany. Supervisor Fuller said sure we would. She said if we don't have our own supply, then we have to purchase it all from the City of Albany. Mr. Rosenberg asked if that was \$700,000 more. Councilman Putney said yes. Supervisor Fuller said yes.

Mr. Rosenberg asked how. Supervisor Fuller said Selkirk Cogen. Mr. Rosenberg asked if they were using water now. Mr. Secor said that is a misinterpretation of the chart. He said you have to look at the chart. The total cost is the cost of all we purchase plus the amortization of debt and everything else. You are also looking at the raw water cost based on 2 something -- Mr. Secor could not read the number -- that is what the projection is based on. He said they projected this year at something under 2 million gallons a day growing into over 2 million dollars a day next year which is what the projections are based on. Mr. Secor further said it also assumes that there is going to be a price increase in Albany from \$1.66 to \$1.72 or 3 percent. Mr. Secor said this is what is projected in the newspaper. Mr. Secor said it is increased volume of purchase and increased cost and that is what the projection is based on. Mr. Rosenberg said 70 percent. Mr. Secor said that is what we are looking at. Mr. Rosenberg said we are looking at 70 percent cost more than what we are paying now. Councilman Putney said it is based on volume. Mr. Rosenberg said he understands that. The volume is going to increase 70 percent, Mr. Rosenberg again asked. Councilman Putney said for the Selkirk Cogen plant. Mr. Rosenberg said even with the Selkirk Cogen, his question is is this true, will we be using 70 percent more water on January 1996 than we are using today. Does anyone know the answer, Mr. Rosenberg asked, further commenting that is the only way to explain the difference in the cost. Attorney Kaplowitz said Mr. Secor is saying yes. Supervisor Fuller said they have answered the question three times.

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Mr. Secor said there is a 20 year look, you have to read the whole report. Mr. Rosenberg said he understands but his question -- does not go to the whole report. He said it is really quite simple. If we are paying 1 million dollars now and you are projecting that we would be paying 1.7 million dollars in 1996, you are suggesting that we would be using 70 percent more... paying 70 percent more and you are saying yes. Mr. Secor said this was correct. Mr. Rosenberg said that is hard for him to believe and thanked the Board. Supervisor Fuller thanked Mr. Rosenberg.

Supervisor Fuller asked if there was anyone else who wished to address the Board. Mr. Samsel said he was wondering if anybody on the Town Board or this gentleman here, who can tell us if Albany is going to have the ability to give us any water. He said his son-in-law and daughter live out by the Alcove Reservoir and he is out there once a week. He said he has lived in this Town for 44 years and has never seen the Alcove Reservoir as low this time of the year since the draught of 1960-64. They might find themselves in a bind where they can't give us a glass of water and I wonder if anyone has looked into that possibility.

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Supervisor Fuller asked for a motion to adjourn to executive session to discuss personnel matters.

The motion was made by Mr. Webster and seconded by Mr. Putney to meet in Executive Session following the close of 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. Putney and seconded by Mr. Lenhardt to adjourn the regular Town Board meeting at 8:45 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.

TOWN BOARD  
JUNE 28, 1995

A regular meeting of the Town Board of the Town of Bethlehem was

RECEIVED  
JUN 11 1995 5:11

William J. Kelleher  
182 Rowland Avenue  
Delmar, New York, 12054  
Telephone 518 - 439 - 6281

June 1, 1995

Mrs. Sheila Fuller  
Town Supervisor  
Town Hall  
445 Delaware Avenue  
Delmar, New York 12054

Dear Mrs. Fuller:

When I first learned from the newspapers that the Town would be drilling wells along the Hudson River in Selkirk I fully supported the project. Being a registered republican I was glad that the Town would no longer be under the control of Albany democrats. Also I knew that there can be water shortages at the Alcove reservoir.

When I learned that the supply would actually be an old fashioned infiltration gallery I became involved. I attended the July 13, 1994 Town Board meeting where an explanation was given as to the reasons for the 3.2 million dollar increase. I came out of the meeting opposed to the project because the opponents made more sense than the Town's consultants.

I have had the unique experience of having been taught by professors in college who had expertise in soil mechanics, large diameter infiltration wells, infiltration galleries, horizontal drainage wells and the specific problems associated with iron in ground water. I also received training and experience in making sanitary surveys during my 25 years with New York State's Departments of Health and Environmental Conservation. I also passed on my knowledge of soil mechanics, environmental engineering and public health engineering to students while teaching for 8 years.

I spent hours researching the new water supply and find it to be the worst water supply I have ever encountered. Further, it is absolutely amazing that neither DOH or DEC uncovered any of at least 8 violations of good engineering practice that occurred in the design and approval of this project. I know of no public health engineer that I came in contact with while employed by DOH who would not have at least questioned where the ammonia in the water came from.

Each member of the Town Board should think about the following questions:

Do you want the Town of Bethlehem to be known as the only modern community in the world that forces its residents to drink polluted river water that also leaches sludge deposits on the bottom of the river that contain human and industrial wastes and decomposing PCBs?

Are you aware that additional large sums of money will be necessary to treat this very poor quality raw water to meet present and future minimum State standards?

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

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Motion passed regarding right-of-way Wemple Road to Nasner Ponderosa Subdivision

The following item was a request from Engineering Services Administrator for acceptance of deed regarding Wemple Road right-of-way in regard to the Nasner Ponderosa Subdivision. The Supervisor indicated this has been reviewed by the Town Attorney.

The motion was made by Mr. Putney and seconded by Mr. Webster to approve the acceptance of a deed regarding Wemple Road right-of-way for the Nasner Ponderosa Subdivision from Jeffrey and Kathleen Nasner, Glenmont, NY. The motion was passed by the following vote:

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

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Motion passed for reduction of bond regarding Adams Station

The next item was a request from Commissioner of Public Works for approval of bond reduction regarding Adams Station, Planned Residential District. The Supervisor noted the bond was originally for \$35,300 to guarantee completion of the paving of Juniper Drive and related work. A portion of the work has been completed and they are requesting a reduction in the bond to \$15,000 to cover the remainder of the highway work.

The motion was made by Mrs. Davis and seconded by Mr. Webster to approve the reduction in bonding from \$35,300 to \$15,000 for work to be completed in the Adams Station Planned Residence District as requested by Mr. Secor, Commissioner of Public Works. The motion was passed by the following vote:

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

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Motion passed right-of-way Orchard Street

The following item was a recommendation from Engineering Services Administrator for acceptance of deed regarding Orchard Street right-of-way, Mountainview Estate Subdivision. The Supervisor noted this has been reviewed by the Town Attorney.

The motion was made by Mr. Putney and seconded by Mrs. Davis to accept the deed for Orchard Street right-of-way from Salvatore and Assa Carlomagno, Delmar, NY. The motion was passed by the following vote:

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

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Traffic Safety Committee public hearing set 30 MPH on Lasher Road

The next item was a recommendation from the Chairman, Traffic Safety Committee regarding proposed amendment to the Code of the Town of Bethlehem, Speed Limit reduction to 30 miles per hour on Lasher Road from Route 9W to Bridge Street, Beckers Corners. The Supervisor noted a public hearing can be scheduled for July 26, 1995 at 7:30 p.m.

The motion was made by Mr. Webster and seconded by Mr. Putney to set a public hearing for July 26, 1995 at 7:30 p.m. pertaining to a local law amending the Code of the Town of Bethlehem regarding reduction of speed limit on Lasher Road, Selkirk to 30 miles per hour. The motion was passed by the following vote:

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

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The next item was a request from the Chairman of the Traffic Safety Committee to set a public hearing for proposed amendment to the Code of the Town of Bethlehem regarding stop signs on Wedgewood Drive at Yorkshire Lane and Wembly Court at Yorkshire Lane; stop sign on Foxfire Court, Columbine Drive, and Fields End Drive at their intersection with through street Bender Lane.

Public Hearing  
Local Law  
amendment to  
code Traffic  
Safety for  
Normangate and  
Meadows

The motion was made by Mrs. Davis and seconded by Mr. Putney to set a public hearing for proposed amendment to the Code of the Town of Bethlehem regarding stop signs on Wedgewood Drive at Yorkshire Lane and Wembly Court at Yorkshire Lane; stop signs on Foxfire Court, Columbine Drive, and Fields End Drive at their intersection with through street Bender Lane to be held July 26, 1995 at 7:45 p.m. The motion was passed by the following vote:

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

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The next item was a request from Chief of Police to authorize the appointment of Charles H. Radliff, Jr., to police officer effective July 1, 1995, at a salary of \$28,695. Supervisor Fuller noted this is part of the grant and the Chief of Police was in attendance if there were any questions. There were no questions.

Approval  
appointment  
of police  
officer

The motion was made by Mr. Webster and seconded by Mr. Putney to approve the appointment of Charles H. Radliff, Jr., to police officer effective July 1, 1995, at a salary of \$28,695. The motion was passed by the following vote:

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

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The next item was a request from Chief of Police to authorize the appointment of Stephen Kellogg, to provisional full time Telecommunicator effective July 1, 1995, at a salary of \$21,513. Supervisor Fuller noted Mr. Kellogg has been a per diem Telecommunicator.

Approval  
for appointment  
of full time  
Telecommunicator

The motion was made by Mr. Webster and seconded by Mrs. Davis to approve the appointment of Stephen Kellogg, to provisional full time Telecommunicator effective July 1, 1995, at a salary of \$21,513. The motion was passed by the following vote:

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

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The next item was a request from the Chief of Police to authorize appointment of Mark Becker, Telecommunicator, to training officer in communications, \$250. per year. Supervisor Fuller said this was approved in the 1995 budget and was made necessary by the upgrading of the NY State-wide Police information network. She said Mr. Becker's computer and telecommunicator knowledge and experience are beneficial to this position.

Appointment  
Telecommunicator  
to training  
officer in  
communications

The motion was made by Mrs. Davis and seconded by Mr. Putney to approve the appointment of Mark Becker, Telecommunicator, to training officer in communications at \$250. per year. The motion was passed by the following vote:

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

Transfer of funds  
Insurance  
Recovery  
Account to  
Police Account

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The following item was a request from the Chief of Police to authorize the transfer of \$1,780.35 from the Insurance Recovery Account to Police Account A3120.2 to be applied toward the purchase of a replacement police vehicle.

The motion was made by Mr. Webster and seconded by Mr. Putney to approve the transfer of \$1,780.35 from the Insurance Recovery Account to Police Account A3120.2 to be applied toward the purchase of a replacement police vehicle. The motion was passed by the following vote:

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

Section 284  
resurfacing of  
reconstruction,  
1995

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The next item was a request from Highway Superintendent for authorization of the Supervisor to sign the Section 284 agreement concerning resurfacing and reconstruction of certain roads, as listed, for 1995.

The motion was made by Mr. Webster and seconded by Mr. Putney to approve the authorization of the Supervisor to sign the Section 284 agreement concerning resurfacing and reconstruction of certain roads for 1995 as listed. The motion was passed by the following vote:

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

Highway dispose  
of vehicles at  
auction

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The next item was a request from Highway Superintendent for permission to dispose of vehicles at auction, Northway Auto Exchange, Inc., Clifton Park, NY.

The motion was made by Mr. Putney and seconded by Mr. Webster to approve the disposal of four (4) Chevrolet Caprice vehicles at auction, to be held at Northway Auto Exchange, Inc., Clifton Park, NY. The motion was passed by the following vote:

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

Appoint  
seasonal  
personnel  
Parks and  
Recreation

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The next item was a request from the Administrator of Parks & Recreation Department for approval of seasonal personnel.

The motion was made by Mr. Putney and seconded by Mr. Webster to approve the appointment of seasonal personnel as listed on the Memorandum from the Administrator, David Austin, Parks & Recreation Department, dated June 28, 1995 at the rate and title stated. The motion was passed by the following vote:

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

Parks and  
Recreation  
request  
between  
school and  
town to  
operate "PIT"  
program

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The following item was a request from the Administrator, Parks & Recreation Department to authorize the Supervisor to sign an agreement between the Town of Bethlehem and the Bethlehem Central School District for the operation of the "PIT" program at the Bethlehem Middle School. The Supervisor explained this is a program run previously by Holly Billings starting in 1991. She noted it was an after school program for the youth. Supervisor Fuller said Mrs. Billings has resigned and in trying to get someone to take over the PIT, she ran into a great deal of opposition as far as people being

able to give time to the program. Mr. Loomis (Bethlehem Central School District), Mr. Austin (Administrator, Parks & Recreation Department) and the Supervisor and Town Board have agreed to take this program over. Mrs. Billings left a donation of \$2200. which was in the PIT checking account to help with the operation of the PIT program. This will now be under the Parks & Recreation Department, providing the employees, and the school district will be in charge of taking care of the facility -- cleaned and maintained for the students. Supervisor Fuller thanked Mr. Austin for his efforts.

The motion was made by Mr. Putney and seconded by Mr. Webster to approve the signing of the agreement between the Town of Bethlehem and the Bethlehem Central School District for the operation of the PIT program at the Bethlehem Middle School. The motion was passed by the following vote:

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

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The Supervisor next asked for a motion to accept the gift of \$2200. The motion was made by Mr. Webster and seconded by Mrs. Davis to accept the donation of \$2200 with thanks from Mrs. Holly Billings for operation of the PIT. The motion was passed by the following vote:

Accept gift to operate PIT

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

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The next item was to acknowledge receipt from the Planning Board of Conditional Approval of Final Plat for Trinity Manor Subdivision, Beaver Dam Road, Selkirk, for information purposes.

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The following item was to acknowledge receipt from the Planning Board of Preliminary Plat Approval for Orchard Estates Subdivision, Orchard Street opposite Game Farm Road, Delmar, for information purposes.

Approval Orchard Estates

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The next item was to acknowledge Acknowledge receipt from the Planning Board of Preliminary Plat Approval for Canterbury Woods Subdivision, Beacon Road, Glenmont, for information purposes.

Approval Beacon Road

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The following item was to acknowledge receipt of Certificate of Approval of Final Plat from the Planning Board for the Dorry subdivision, River Road, Selkirk, for information purposes.

Approval Final Plat River Road

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The next item was to acknowledge receipt of Certificate of Approval of Preliminary Plat from the Planning Board for Haswell Farms Subdivision, Feura Bush Road, Delmar, for information purposes.

Approval preliminary Plat Haswell Farms

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The following item was to acknowledge receipt of Certificate of Approval of Final Plat from the Planning Board for the Lee Subdivision, Elsmere Avenue, Delmar, for information purposes.

Approval of Final Plat Lee Subdivision

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The Supervisor asked if anyone wished to speak to the Board. Mrs. Fran Royo said she was here representing Clearwater for Bethlehem noting she delivered a letter about 1 and 1/2 weeks ago to

Clear Water

the Supervisor asking her to place on the agenda this evening a request from Clearwater for the Town Board to consider hiring an independent consultant to study and issue a report on the separation of the Hudson River water system from the existing system. She said they asked that that report include the cost of separating the storage capabilities in the system and any related pressure problems. It was not on the agenda, so Mrs. Royo asked the Supervisor and Town Board if they will hire an independent consultant to make that study and issue a report on separating the 2 systems. Supervisor Fuller said she will address the question to start with, the independent consultant is an unfair question to ask the taxpayers to pay to start with. She said certainly the information was contained in the 1991 engineering reports and she said she believes Mrs. Royo had a meeting with Mr. Secor. Mrs. Royo said this was correct. Supervisor Fuller said the hydraulics and engineering certainly are something that she and Mrs. Royo are not that familiar with. Mrs. Royo said she has become a lot more familiar with it this past year. Supervisor Fuller noted that Mrs. Royo did not think she had the knowledge at the meeting. Mrs. Royo said the meeting raised more questions and that is why this is being requested. Supervisor Fuller said she thinks the issue being raised is we are looking to separate the water and this has been explained as far back as May. She said this cannot be done, it is not possible to do it, without the City of Albany.

Mrs. Royo said they feel there are 2 separate issues involved here. She said she thinks there is water available that we can buy but there is also the issue of how it is going to be done. When we have the water, how is it going to be distributed to the residents, Mrs. Royo asked. Supervisor Fuller said the Vly Creek reservoir would be the water for the residents of our Town. The new plant would be supplying industry for the Town. Mrs. Royo said the question is about this valve and how the 2 systems would be separated because there has been a lot of discussion about this over the past year and initially they were told that it was impossible to do it. that it would cost millions of dollars and that it would require separate piping and a new system. And then in the past few months, it has changed to that it is simply turning a valve. Mrs. Royo said engineers in their group have raised numerous questions about other things that would have to be considered. She said she is not here to argue back and forth. Supervisor Fuller said she was not arguing she was just confused by the request. Mrs. Royo said they just need an answer. Supervisor Fuller said Fraser and Associates as the engineer for the Town have done the study and have already been paid for by the taxpayers. Why do we need to hire someone else, Mrs. Fuller asked. Mrs. Royo said because there has... Supervisor Fuller said the plant is on line and when it goes on line it is for industry that frees up the Vly Creek being used for industry. Mrs. Royo said she understands the explanation, what they don't know is the engineering detail of how it would be done. She said she has spoke with Mr. Secor. Supervisor Fuller said Mr. Secor is behind Mrs. Royo and she can ask him. Mrs. Royo said she has spoken with him about this. She said just in terms of hiring an outside person to do a report on this, they feel it is better. Supervisor Fuller said she thinks it is money she is not willing to spend. She noted this project started in 1991 and enough money has been spent on it. Mrs. Royo asked if she felt that there is adequate information and reports on separation. Supervisor Fuller said she did feel there is adequate information and reports. Mrs. Royo thanked Supervisor Fuller.

Supervisor Fuller asked if there were any other Board Members who would like to address Mrs. Royo's concerns. Councilman Putney said only that he agrees with Supervisor Fuller and has discussed this with her and he thinks with each of the other Board members. He also is not willing to expend the additional funds for any additional survey. He said he thinks all the information is provided. He said he would not sponsor this resolution.

Councilman Davis said she thinks the Town Board would be just leaving the Board open to more criticism regarding the expense and probably by some of the same people who are making the request at this point. She said she thinks it needs to continue ahead in the direction it is on. Councilman Webster said he thinks Supervisor Fuller has explained to him, at least, and so has Mr. Secor, that

this can be done properly and our engineering has been completed. He said any additional expenditures would be unnecessary. He does not see the point here. He said he feels Mrs. Fuller has assured the split. The concern was that it be used for industrial purposes and it will be used for industrial purposes and that the residential water will be coming down from Vly Creek and that one of the intercepts on Kenwood Avenue from Albany to supplement the Vly Creek supply. Mrs. Royo asked if they could follow-up on that. She said Mr. Webster just said that you have assured us that there will be a split, you said you were considering if it could be split. Councilman Webster said if water can be intercepted from Albany at Kenwood Avenue. Supervisor Fuller said there is still no contract with the City of Albany and she noted that was the only thing that she was awaiting the night she announced it and told everyone that it was needed in order to do this. She said we need additional water from Albany. Mrs. Royo said everything is in place. Supervisor Fuller said it was. Mrs. Royo thanked the Supervisor.

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MRS. BURDIS: I am Linda Burdis, I live in this community. The reason that we are so concerned about the split that happened when Supervisor Fuller, you were quoted in the newspaper on April 26th as saying that it was possible to make the split, you also said that day to me in a conversation in your office that it was not a big deal. I came to the Town Board meeting that evening and you said and this is in the minutes of the Town Board meeting of April 26th that it is not a big deal to do the split. And, I would like to quote -- and then you were quoted in the paper couple of weeks later as saying that it was a matter... and it sounded like it was not a big deal, it was a matter of a valve, closing off a valve.

SUPERVISOR FULLER: Yes.

MRS. BURDIS: So, it sounded like it was not a big deal. This is the quote... quoting your words, we could isolate the water from the new system by closing a valve at the northerly end of Creble Road, she, Supervisor Fuller said. Now, I went to the July 13th public hearing minutes and the exact question was asked of the Town Engineer and this is his answer. Question is from another engineer in the community, Mr. Strong. I would like to know the viability of furnishing just the industrial properties with the Schermerhorn Island site. Mr. Secor to try to split out the system would become very, very costly and it is not a solution which we have recommended. It is not anything we would want to recommend. It is not a cost effective solution. It is not an easy thing to say, let's build this for industry and keep everything else we have for our own. So, you have in the community, 2 of our representatives, Town Supervisor and Town Engineer, saying basically contradictory things. You are saying, Supervisor Fuller, that it is not a big deal and Town Engineer is saying it is a very, very big deal. So, can you explain that contradiction.

SUPERVISOR FULLER: Yes, the new plant goes on line and then the Vly Creek Reservoir can supply the residents. So, the water that was being taken out of the Vly Creek will not go into the industry. We have a new supply.

MRS. BURDIS: Right, but that information was known on July 13th when Mr. Secor answered the question.

SUPERVISOR FULLER: There was another part that you have chosen to ignore and that is called negotiations with the City of Albany, Linda. And, if you remember pleading that we negotiate with Albany and that is something that started in August with Albany and you are well aware of that as I am.

MRS. BURDIS: Well, Mr. Secor doesn't mention. Let me just say and could I ask that all the remarks I have made be verbatim in the minutes and the remarks from the Board be verbatim in the minutes, too for all this. Mr. Secor doesn't mention anything about Albany. He just says it would be very, very costly. I just gave you his answer, it is right... you can check it yourself, July 13th public

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hearing almost a year ago in front of 700 people. So, okay, so what you are saying now is that it is not a big deal to do this.

SUPERVISOR FULLER: It is no different than what I told you early in May.

MRS. BURDIS: Right. Okay.

SUPERVISOR FULLER: No different.

MRS. BURDIS: It was April 26th in your office. Now, you also told me something that concerns me, you said to me that we were going to run out of water and that it would be temporary hook-up. So, I would like to be clear about that. Are you talking about...

SUPERVISOR FULLER: Linda, I did not ever tell you we were going to run out of water.

MRS. BURDIS: Let me just mention one thing, let me get finished what I am saying, you told me that it was going to be a temporary solution. This is what you told me in a conversation in your office on April 26. Okay, so what I am asking you now, is that as you are talking about separating out the 2 systems are we talking temporary or long term or permanent?

SUPERVISOR FULLER: Linda, I did not ever use the word temporary, first of all, and you came to a meeting after you were in my office that afternoon and went through this same discussion with me in the public meeting. This is the 2nd time you are asking the same questions.

MRS. BURDIS: Right, well it is because for a year and a half you have been telling me something has been a big deal. Now you are telling me that it is not a big deal. That's why I had to come to the meeting but I am asking you now, are you saying that the split of the water so that the residents will continue to get the water that we get now from Vly Creek and the supplemental water coming from the Alcove reservoir and industry -- mostly Selkirk Cogen -- will get the water from the Hudson River source? Is that a long term split that you are planning on?

SUPERVISOR FULLER: Linda, I am not paying or having a gun held to my head to pay the City of Albany to keep water flowing. I will have a contract with the City of Albany and I plan on purchasing the water as long as we possibly can do it. It is not temporary.

MRS. BURDIS: But, what you want to purchase is \$150,000. a year worth of water. That is about 1/4 of a million gallons a day. Now...

SUPERVISOR FULLER: Supplemental supply, Linda.

MRS. BURDIS: Now, so the math would work out that pretty soon that is not going to be enough water to keep the residents on the split system... keep the residents with Alcove and with Vly Creek. What is going to happen when you run out of that amount of water?

ATTORNEY KAPLOWITZ: Can I interject something, Linda? Nothing this Board does can legally bind a future Board. A Board 2 years from now can do anything they want to do no matter what this Board does.

MRS. BURDIS: Well, the community...

ATTORNEY KAPLOWITZ: I just want you to know there is that...

MRS. BURDIS: I understand, I am not asking a question, I am not asking from a legal point of view. I am asking from the intention of your telling us now, that you are going to make a major change in your... in what you told us a year ago July 13th and I am trying to understand the full ramifications and I just want to be forthright and I would like you to be forthright.

SUPERVISOR FULLER: I always have been and will continue to be, Linda.

MRS. BURDIS: Well, not right now... excuse me, I don't mean to offend you, but I am asking is this...

SUPERVISOR FULLER: You are offending me, Linda. My credibility is not something that I take lightly. I have been honest from day one, I have negotiated since August.

MRS. BURDIS: But, you are not answering my question. This is my question...

SUPERVISOR FULLER: Am I going to tell you this will last forever?

MRS. BURDIS: You are going to negotiate for \$150,000 a year worth of water, it is about 1/4 of a million gallons a day. It is a small amount of water. We are going to shortly need more water than that, what is going to happen when we are in that situation? Are you going to buy more water from Albany?

SUPERVISOR FULLER: If the need is there.

MRS. BURDIS: So, your intention is to not even in a short period of time hook the residential community up to the Hudson River source.

SUPERVISOR FULLER: No, I am not. Why are you trying to put words in my mouth, Linda?

MRS. BURDIS: Because for a year and a half you have been saying exactly the opposite. You are saying that...

SUPERVISOR FULLER: Linda, I have also told you if a contract could be negotiated. If you remember at the time, there was nothing being negotiated with the City of Albany and there hadn't been when this project went on line, if you remember.

MRS. BURDIS: But, why when you are going negotiating right now, you are negotiating for such a small amount of water. Why not have a contract with a little bit of open leverage so that the people in the community who really truly feel that the Board's position is that we should be hooked up to the new Hudson River source system. Now you are saying, okay we will give you a dual system but you are giving us... you are negotiating a contract for a very, very small amount. So, what is going to happen when that water is not enough.

SUPERVISOR FULLER: Linda, I am negotiating an amount of water and a price to be paid. What I am going through is not getting a response from the City of Albany and keep that in mind. The City of Albany is holding us up now, just as they did in 1991, they cancelled the contract.

MRS. BURDIS: Well, the people...

COUNCILMAN WEBSTER: We are negotiating for current needs, Linda, you know, then that contract is going to run out and you are going to negotiate for the current needs.

MRS. BURDIS: Right, but the whole water project is based on long term future water... I mean I have read through pages and pages of technical engineering data...

COUNCILMAN WEBSTER: Sure it is.

MRS. BURDIS: So, you do not only think tomorrow, you thing next month, next year, 5 years down the road. So, what I am worried about...

SUPERVISOR FULLER: We have thought 40 years down the road.

MRS. BURDIS: What I am worried about is that because this is a very tight small amount of water that you are negotiating... we are going to soon run out of that water and then you are going to hook us up to the new system which is what you did say to me April 26th in your office. You said, then we will go to the new system.

SUPERVISOR FULLER: Linda, I never said that to you and you know, full well I did not.

MRS. BURDIS: I don't know full well. That is what you said to me.

SUPERVISOR FULLER: And, this is not the first time I have been around with this foolishness out of you and you know it.

MRS. BURDIS: Excuse me, excuse me, I am not being foolish, okay.

SUPERVISOR FULLER: Don't accuse me of telling you one story in my office. Do I have to have a tape recorder in my office? Am I not able to speak with you?

MRS. BURDIS: Well, you know, you are an educated woman, I am an educated woman and I know what you said to me. I know what you said to me.

SUPERVISOR FULLER: I read all of that in the newspapers.

MRS. BURDIS: But, forget April 26th, I don't mean to quarrel about that. What I want very, very clear in the minutes right now is that the intention of this Board is not to split the system temporarily but to split it for a long term plan. The people who are upset about drinking water from the Hudson River don't want to be back here next year and 5 years and so on fighting another battle. So, is that what you are saying, that probably we won't be fighting that battle that you're intention is sincerely to keep us on line with the Vly Creek/Alcove reservoir source of water.

SUPERVISOR FULLER: At a price this Town and these taxpayers can afford to pay.

MRS. BURDIS: So, you are putting a qualification on it.

SUPERVISOR FULLER: I sure am and the amount of water that is needed. I have to sit down and work a contract out with Mayor Jennings.

MRS. BURDIS: Well, I think... I will tell you what a lot of people in the community say to me, they would pay extra money... they would pay extra money that is not an issue for the people of this community.

SUPERVISOR FULLER: Well, maybe they are willing to.

MRS. BURDIS: The issue is not drinking water from the Hudson River and people are worried about their children and they are worried about their health and they are worried about their houses and they are worried about coming into a community and having people ask questions...

SUPERVISOR FULLER: And, there are an awful lot of people out there, not worried, Linda. An awful lot of them.

MRS. BURDIS: Well, I think that there are probably more people who are worried but...

SUPERVISOR FULLER: I don't think so.

MRS. BURDIS: But, okay, so what you are saying then is that with that qualification of the price that you get from Albany, you are going...

SUPERVISOR FULLER: It depends on whether a contract can be negotiated with the City of Albany.

COUNCILMAN WEBSTER: We are negotiating for current needs. When that contract runs out, you negotiate then again for your current needs.

MRS. BURDIS: Well, you could also... excuse me, have a contract a little more flexible than just current needs.

COUNCILMAN WEBSTER: We can't get any contract, what do you mean a contract just to be flexible. We can't get any contract.

SUPERVISOR FULLER: Linda, I am pushing to have a contract in place before our present one expires. But, even that has been a joke in the media.

MRS. BURDIS: But, you are telling me here that your plan to do this is for the long term to separate the industrial source to the new system and keep the people on the current system for the long term, that is what you are saying? With the qualification of the price, which the people I would say aren't really very worried about the price.

SUPERVISOR FULLER: With the price and the amount of water.

MRS. BURDIS: I mean, I think that they would much prefer to drink water...

SUPERVISOR FULLER: And, when there is a contract, then you will know. I would suggest you contact Mayor Jennings.

COUNCILMAN WEBSTER: I think she has answered your question in the affirmative to what you are asking.

MRS. BURDIS: Okay, thank you.

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Mrs. Capone asked if it would be possible when the Supervisor meets with Linda Burdis in her office to have a third person there. Mr. Kaplowitz asked if Mrs. Capone would be available.

Supervisor Fuller asked if anyone else wished to address the Board. Mr. Charles R. Tashjian, Sr. said he has been at 3 meetings and he said he is hearing 3 different stories and he wants to get this found out. He asked the Board if there has been any contact with Mayor Jennings about what the water is going to be? Are they cutting you off or are you cutting them off, he asked. He said the deadline is next month or 2 months. Supervisor Fuller explained Mayor Jennings and she has agreed to extend the water through November at his request. The Supervisor said part B of that was to extend any negotiation until after election. Negotiations should not have to wait until any election, so that is where this is at, the Supervisor said. We do have a contract extended until November for the water supply at the present price. She said she is trying to negotiate a new contract and stated she has been working on this. Mr. Tashjian said he has been trying to talk to him since last January. Supervisor Fuller said she hoped he was more successful than she has been. Mr. Tashjian said he is not going to call him every hour, every two hours or what but anything pertaining to water because he has a problem in Albany and it could be resolved in 5 minutes but all of a sudden he has so many problems, since he has gotten in, it is not like a day at school. Regardless of Democrat or Republican, Mr. Tashjian said Mayor Jennings is saying he would rather negotiate with children than grown-ups. Supervisor Fuller said maybe that is why he is not calling her.

Mr. Tashjian said he does not know what the story is but what he is trying to say is in January he got a call from Washington and they are worried about chlorine in the water. He said they were going to come up and talk however, since then, he has had 2 calls. He said this organization is trying to do away with chlorine in the water. He said he has the literature on it. He said Greenpeace is getting involved in this regarding chlorine. The idea is, he said, the last call was worrying about pesticides. He said they are telling people to contact Bruno. He asked if the Town Board has looked into the cost of what the maintenance is going to be.

Mr. Tashjian questioned the water rate indicating something in regard to 70 percent. Mr. Secor noted the water rate had not changed in 5 years. Mr. Tashjian said one or two days ago in the Times Union the City of Albany is going to raise the rates, \$1.77 a hundred cubic feet or so, and noted it was \$1.66. He said the idea is, 50 years ago when he was in the service in the Pacific, they used to take water out of the ocean on land and take the salt out of it and use it for drinking, showering, cooking or whatever. He said GE, Watervliet

Arsenal, Green Island, Ford radiator plant -- certain big companies can get this system the size of a tractor trailer, sets on wheels and could be moved that can do this. If they do it within a 5 or 15 year plan, it would not put the burden on the Town of Bethlehem residents. Supervisor Fuller noted industry is paying for the plant for the Town's water supply, the costs are included. Mr. Tashjian said from what understanding he has, it is a million gallons a day or is that a million gallons a year or what is it they use. Councilman Webster said it is 3 million gallons a day. Mr. Tashjian said they are paying for the regular water that we are paying for the homeowners. Supervisor Fuller said they will be paying a higher rate than the residents. Industry will be paying for the plant, she noted. Mr. Tashjian said this unit could be gotten by industry and placed by the river and no one would lose money on the deal. Supervisor Fuller said they have to plan for the Town. Councilman Webster said they do not know if that is possible. Mr. Tashjian said he just wanted to express his opinion. He said the idea is that if something has to be done, if it is going to get out of hand, the Board is not giving any records on what it is going to cost to run this plant. Supervisor Fuller said they were, there are files and reports stating this information. Attorney Kaplowitz noted it has been in the Spotlight and Times Union, and it is in the library. Mr. Tashjian said he did not care about the Times Union or the Spotlight that he only relies on the Schenectady Gazette. Attorney Kaplowitz said they do not come here, that he has never seen a reporter here. Attorney Kaplowitz said statistics on the water plant can be obtained from Mr. Secor. Supervisor Fuller said they are also here at the Town Clerk's office. Mr. Tashjian said he is not trying to challenge this but no one has said what it is going to cost. Attorney Kaplowitz said it is all in the reports. Mr. Secor said to go to the reference desk and they can show where the information is located in the Library. Mr. Tashjian said he feels everyone should express their opinion. Attorney Kaplowitz asked if he lived in Town. Mr. Tashjian said yes for 12 years. Supervisor Fuller thanked Mr. Tashjian.

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The motion was made by Mr. Webster and seconded by Putney to adjourn the regular Town Board meeting at 8:15 p.m. The motion was passed by the following vote:

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

  
Deputy Town Clerk