

TOWN BOARD
MARCH 22, 1995

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

PRESENT: Sheila Fuller, Supervisor
George Lenhardt, Councilman
Freeman T. Putney, Councilman
Doris M. Davis, Councilman
Bernard Kaplowitz, Esq., Town Attorney
Kathleen A. Newkirk, Town Clerk

ABSENT: Frederick C. Webster, Councilman

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SUPERVISOR FULLER: Good evening and welcome to a meeting of the Bethlehem Town Board. If there is anyone who would like a seat, we have the whole front row reserved for your people. We will start this evening with a public hearing. I will ask the Clerk to read the call of the hearing which is on the Elm Avenue, as you all well know, extension of the Water District.

EXTENDING WATER DISTRICT
No. 1 OF THE TOWN OF
BETHLEHEM, ALBANY COUNTY, NEW YORK
ORDER SETTING A PUBLIC HEARING
ELM AVENUE/ELM AVENUE EAST WATER EXTENSION

Public
Hearing
Extending
Water District
No. 1
Elm Avenue
Elm Avenue E.
Extension

WHEREAS, a written petition from owners of taxable real property (a copy of which is annexed hereto) has been presented to and filed with the Town Board of the Town of Bethlehem, Albany County, New York, requesting an extension of Water District No. 1 of said Town to include their properties, and showing the boundaries of the proposed extension, together with a map and plan of the proposed water system; and

WHEREAS, there has been filed in the office of the Town Clerk of said Town, a map as referred to in the annexed petition, plan, report and estimate of costs dated July 1994 prepared by J. Kenneth Fraser & Associates, P.C., engineers duly licensed by State of New York, setting forth the details of the proposed extension; and

WHEREAS, the boundaries of the proposed extension of the said District are as set forth in the annexed petition of Schedule A attached thereto:

WHEREAS, the petitioners have agreed to construct the proposed works under the supervision of the engineers representing said Water District and subject to the approval of said Water District, and upon approval and acceptance of said works, to convey the same, including the necessary right-of-way to said Water District, free and clear of all liens and encumbrances, without costs to said Water District, and have also agreed to pay all costs and disbursements incurred by said Water District in connection with said application, including legal and engineering costs; and

WHEREAS, said map, plan and report describing said improvements are on file in the Town Clerk's Office for public inspection.

NOW, on motion of Council person Lenhardt seconded by Council person Davis, it is hereby

ORDERED, that the Town Board of the Town of Bethlehem shall meet and hold a public hearing at the Town Hall, 445 Delaware Avenue, Delmar, New York on the 22 day of March, 1995 at 7:30 o'clock p.m. on that day, to consider the foregoing petition and to hear all persons interested in the subject thereof concerning the same, and to take such action thereon as is required or authorized by law, and it is further

ORDERED, that the Town Clerk be and she hereby is directed to publish and post certified copies of this order at the time and in the manner provided by law.

The adoption of the foregoing order was put to a vote and upon roll call, the vote was as follows:

Ayes: Supervisor Fuller, Councilperson Lenhardt, Councilperson Davis, Councilperson Putney.

Noes: None.

Absent: Councilperson Webster.

BY ORDER OF THE TOWN BOARD

TOWN OF BETHLEHEM

Kathleen A. Newkirk

TOWN CLERK

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State of New York)
County of Albany)

MARY AHLSTROM of the Town of Bethlehem, being duly sworn, says that she is the Assistant Publisher of THE SPOTLIGHT, a weekly newspaper published in the Town of Bethlehem, County of Albany, and that the notice of which the annexed is a true copy, has been regularly published in said THE SPOTLIGHT ONCE A WEEK FOR 1 WEEK consecutively, commencing on the 8 day of March 1995.

/s/ Mary Ahlstrom

Sworn to before me this 9th
day of March 1995.

/s/ Kathryn Olsen

Notary Public, Albany County

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STATE OF NEW YORK)
COUNTY OF ALBANY) ss.:

KATHLEEN A. NEWKIRK, being duly sworn, deposes and says that she is the Town Clerk of the Town of Bethlehem, Albany County, New York and that I posted on March 9, 1995, a Notice of Public Hearing, a copy of which is hereto attached, on the sign board of the Town maintained pursuant to subdivision six of Section thirty of the Town Law.

/s/ Kathleen A. Newkirk
Town Clerk

Sworn to before me this
13th day of March 1995.

/s/ Catherine T. Picarazzi
Notary Public

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The motion was made by Mr. Lenhardt and seconded by Mr. Putney to indent the Notice of Public Hearing, Affidavit of Publication and Affidavit of Posting on the minutes of the meeting. The motion was passed by the following vote:

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

Noes: None.

Absent: Mr. Webster.

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SUPERVISOR FULLER: At this time, before we actually get into those in favor and those opposed, I will ask Mr. Secor to present the whole project and we will take some questions and then we will continue on with our public hearing.

MR. SECOR: I just want to start with an overall map of the district and this basically shows -- all the heavy dark lines on this map are existing water mains in Town, the Hudson River is over on this side, the City of Albany on the north, Selkirk area down here and basically the area we are talking about tonight is on Elm Avenue. On this map, the areas that are... have this cross-hatching on them are outside the Water District and the areas that have no cross-hatching are in the Water District. This map is a little easier to see but this one has got... is colored up. This one, this is basically the same map showing the water distribution system but the colors on here represent the various extensions to the District. The

Delmar/Slingerlands area is an older area, it was in the District. These extensions -- this would be the McCormack Road area, North Bethlehem, this was Glenmont, this yellow area was the Selkirk extension, this is Cedar Hill, this was the industrial area Feura Bush extension. Each of those colors represent the different Water District extension which went through the same type of process. There is a... as the need arises or as people ask for water there is a solicitation of interest followed by a formal report and in this case, we had the engineer's map, plan and report produced and a formal petition. We circulate the formal petition and see if there is sufficient support to go forward with an extension. And, then the next step would be the public hearing -- which is where we are at tonight. Each of these extensions had a tax rate and when you get the tax bills in the mail, Mr. Hahn puts with it a layout -- there is 13 districts now that have taxing rates that are still paying off the cost of the water mains in those areas. The way that this... this is a special improvement district only the people in North Bethlehem are paying for the pipes in North Bethlehem. Only the people in Glenmont are paying for the pipes in Glenmont and this is the way this is set up. So, that as each one of these districts was formed or those extensions went through, the people in that area pay. It is set up on an ad valorem basis which means it is just like a mortgage payment. Each year there is principal and interest due and we simply look at how much assessable value is in that district extension. And, you simply divide the debt service by the total assessment. Now, obviously, as time goes on, as additional homes are built or other businesses move in, there is more assessed valuation, so the tax rates continually go down. So, some of these areas have actually been paid off, they are more than 20 years old and the bonds have been retired. But, by taking in -- for example, the Selkirk extension, by taking in a long area all the way to Selkirk, they are able to spread the cost out over the largest tax base that they could. Then later on when Cedar Hill came in, they attached onto the pipe on Route 9W and brought it over to Cedar Hill and picked up this whole area. But, only the people in the Cedar Hill area actually paid the cost of those pipes. There is... on this tax bill there is also a general Water District tax which basically pays for major facilities, the standpipes, the water treatment plant -- you know, the major pumping stations and things, that's about \$.73 per thousand. So, if you had a \$100,000 house, that is about \$73. a year for the general Water District tax. Each one of these extensions has their own unique tax rate. And, again, on this when I sent around the first letter I gave a copy of this in that first letter. For example, the Selkirk extension is now down to \$.18, that was built, I think, back in the '60s and is almost paid off. The other end of the extreme, the Glenmont extension which is this area up in here, which is basically the industrial area on 144, their tax rate is \$4.62. So, there is quite a range in there, but again, only the people in this area are paying for those pipes that are in that area. The kind of unique thing that is going on and the Water District area we are talking about tonight, is on Elm Avenue/Elm Avenue East and then the area, lower Elm Avenue and when we... that area blown up to a different scale, here is Elm Avenue, here is the 3,000,000 gallon standpipe across from Peel Street on Elm Avenue... Elm Avenue comes down and breaks off to Elm Avenue East and Elm Avenue goes on down toward Creble Road. We had almost 20 years ago, there was an attempt to make the Water District extension take this area in. Unfortunately, there just wasn't enough assessed valuation... we tried to get Dowerskill involved, we tried to get the Skycrest development involved and do a larger district extension. The cost was prohibitive and also the housing market was a little difficult... in the '70's things were moving along and then... I think there was a period when Dowerskill actually went bankrupt for a while... there was a foreclosure or whatever and if all that pipe had been put in the ground back then, it would have been a real problem because you would have had the debt service, the principal and interest, would have still been due whether or not those homes exist.

This area outlined in pink is the area that we are talking about tonight. There were 2 petitions that were circulated. There was a petition for a proposed Water District Number 220 and for 221. We had a higher level of support up in this area and about 75 percent of the people signed the petition up here, we only had about 10 percent of the people actually sign the petition in the lower end. So, this

end was dropped from further consideration. I reported back to the Town Board that this petition was not successful but that the petition for this area had more support and that I recommended that the Town Board schedule a public hearing which is what we are doing tonight.

As a matter of calculation of what is going on, in the engineer's map, plan and report there is a discussion of the financing on pages 11 and 12. At the time this book was printed, the total assessed valuation that was available in this pink area -- in this proposed Water District extension -- was about \$4,865,000., since then there has been... a couple of houses that were under construction, that finally on the tax roll the next year. The current assessed valuation in that district as of the 1995 tax rolls is \$5,161,000. So, if you took the number that was in this report, which was the \$17,000 in debt service divided by the \$4,865,000 and came up with a projected tax rate of \$3.51. If you did that same calculation today, based on the assessed valuation that is in here right now, it would be \$3.31. And, by next year, again, that would go down.

The other thing that is happening, there is a proposed subdivision at the intersection of Wildwood Lane and Elm Avenue. The developer will be installing a water main on Wildwood Lane. This area in the back is already in the Water District. All this area shaded to the west and to the north is already in the Water District, is already paying for their pipes one way or another -- these people paid, I guess, a lump sum up front -- he will be putting this water line in and then we are showing in this plan that the 16 inch water main would come down Elm Avenue to the power line and then come down Elm Avenue East as far as Bardins which is where the big tract of vacant land starts.

Since this is a major trunk line for the Town, and if you look at this layout, all of the major roadways whether it be 9W, or Feura Bush Road, all have 12 or 16 inch diameter pipes in them. Those are the main arteries of the water system. So, since this is on a main artery, this needs to go in as 16 inch pipe. In the recommendation to the Town Board, that is a prohibitive expense for the residents that are down here and whether it is the luck of the draw or whatever, that pipe size has to be there. But, that pipe and the size of that pipe actually will help eventually the entire district. So, the recommendation to the Town Board was that the Town pickup the difference in cost between the 16 inch main and the 8 inch main. The 8 inch main is the minimum size main that we put in the ground that would provide fire flows and provide adequate service to the houses. So, what the people in here are being asked to go for is the minimum size water main that is now put in the ground. And, that is no different I say than what has happened up in some of these other areas. In fact, the water main going up to North Bethlehem and the Selkirk, they actually paid for the 12 inch pipe because it was a major distribution area that had to be picked up.

So, there has been some help here, as far as, the Town, this developer is putting in part of the water main plus these houses will also be included in the assessed valuation so as you look down the calculation sheet, as say one or 2 homes are built per year, you would add \$150,000, \$175,000 for each one of the homes. There is other vacant property that is for sale within here and as you project out the tax rate, within 2 or 3 years, this tax rate should be about \$2.85 and eventually level out at about \$2.30. So, this tax rate would go down.

I tried running the numbers using the Dowerskill or using some other areas and I believe that this is the most cost effective matter that you can get into. The problem from here to go all the way over to Dowerskill is almost another 3,000 feet of pipe and there is very little assessed valuation, it is all vacant land. Until these homes get constructed, there really wouldn't be enough density to help out and balance the cost down. In running the numbers the other way, again, one of the things you have to assume is how quickly will we build homes. If they build the homes slowly, the tax rate would stay very high for a long time. So, it is a difficult projection, this way you know what your costs are; you are paying for the minimum size

pipe that we can put in the ground; the Town is helping with the expense; and this tax rate will continue to go down year after year.

There was a change in New York State law last year that allows us on the debt service payment to use a level payment. We used to have a little more complicated payment schedule but now they will let us set up a bond repayment schedule which is similar to a mortgage on a house. Your mortgage payment is basically level. So, the first year debt service payment would be about \$17,000, I think they said in here \$17,100, and that would basically stay the same for the 20 or 30 year life of the bond. What would change would be the amount of assessed valuation. As the assessed valuation increases, that tax rate should go down every year. If the water main was to go through, if the people were to support it and want it to go through, the individual homeowners are not required to hook-up to the water main, an option you would still have. You would still have to pay the tax but you do not have to hook-up to the water. It is not like when the sewer line goes through, you are required to hook-up to the sewer line. If you decide you wanted to hook-up to the water line, there is a tapping fee of \$550. We come out and dig the hole, drill a hole in the pipe and actually run a copper line from the main duct tile iron pipe, the main water line to your property line. And, then you would have to hire an underground plumber or somebody to hook-up from there to go into your house. Once you have connected to the Town water, we cannot allow a cross connection between municipal water system and a private well. If you want to keep your well, you are more than welcome to do that, but you have to physically separate the two so there can't be any cross connection. So, you can use it for drinking, for watering the lawn, or yard, we give you a free cardboard sign that say private water supply -- if you want to water your yard whenever you want you can do that. But, just something you have to do. But, that is one of the things so that the Building Inspector, I think there is a \$10 building permit fee when you do this work inside. The Building Inspector has to come to the house and make sure that the plumbing is physically separated so that there wouldn't be any cross connection between the municipal water system and private wells.

That is basically the overview. I would be happy to answer any questions.

SUPERVISOR FULLER: Are there any questions from the Board Members, first. There were none. Okay. Are there any questions from the audience?

MR. DICKINSON: Is this solely supported by the petition or...?

SUPERVISOR FULLER: Would you please identify yourself?

MR. DICKINSON: My name is Carl Dickinson. I live on Wildwood Lane and I am interested in the subdivision that is going to be built. Is this solely based on the request of the people who live there or is this based on the fact that there may be more people? Is the developer involved in this?

MR. SECOR: There is a combination of things. This... we have requests that go back 20 years that we have been trying to get water down in this area. There has never been sufficient assessed valuation to do it. There are 3 people in the back here which was Covey, Syrett and Crisafulli -- the water main was over here on Fairlawn Drive, they paid to have an engineer's map, plan and report done, they had a public hearing and there was 3 people that had a Water District extension. Cost \$3,000 or \$4,000 for one of these books whether you do 1 lot or 100 acres. They went through that whole thing and then they paid to have the water main constructed to service their 3 homes. That got the water started on the street. When the developer came along, he could have his own Water District extension. He could simply do a Water District extension that would take in his property. My... the problem I see with that is you have people who have been down here petitioning for water for 20 years, who are sitting there, and they are going to watch brand new homes be built, they are going to have water and the people who have been there for 20 years still aren't going to have water. So, I mean, again, the decision is completely up to the people who live there, it

is based on requests for water service. The petition was sent out, if the people want to support it, fine. This subdivider is going to end up with water one way or another. He is going to, you know, pay for it himself. If he puts the water in by himself, that withdraws about \$2,500,000 of assessed valuation from helping to pay for the rest of everything that is going on. And, if you run the tax rate out without this in here, it stays at that \$3.50 per thousand. One of the reasons it is going from \$3.50 down to \$2.00 or \$2.20 is because as these houses get built, you are getting more assessed valuation to help spread the cost over. So, it is a combination of things but the real driving force, is the number of people down here who have well problems. Either they are spending \$20 a month on Culligan and, you know, if you are spending \$30 a month between electricity for your pump and Culligan and you have \$100,000 house, you are breaking even because \$30 a month, 12 months, that is \$360. This is \$3.50 tax rate if you have \$100,000 house, that is \$350. So, basically, it is a wash. This is billed to you on your tax bill on an ad valorem basis -- and, my understanding is -- it is completely tax deductible because it is billed on an ad valorem basis. So, that would become something you would be able to write off on your taxes.

MR. DICKINSON: What about existing homes, like those 3 on Wildwood and I also get mine from a development?

MR. SECOR: Yes, you have a service line that comes through the back, you are being serviced as an out-of-the-district customer. It is an awkward situation. We are changing the way we are handling the out-of-the-district customers. In the past -- and I know when you bought your house you had no knowledge of the agreement that was signed by the previous owner -- in order to get service as an out-of-the-district customer they would come before the Town Board, the Town Board would grant them service as an out-of-the-district customer and ask the property owner to sign an agreement that at such time as the district was extended that they would participate in the district extension. Those forms are recorded here in Town Hall and the person who owned the property had them. They were not recorded in the Albany County Clerk's office. That will change because we have a couple of instances where the property owner came in, not knowing, it didn't show up in their title report. So, we are changing that. I have talked to the attorney for the Water District and will set that up in a form which is recordable so that if that type of thing is granted that it will be public record and anyone who is going to purchase it would know about it.

MR. DICKINSON: Okay. So, then I would stop being out-of-district and have to pay the taxes.

MR. SECOR: That is correct. And, again, if you have... we bill water 3 times a year. Say if you are using -- what is your water bill about \$30 or \$40 -- say it is \$50, so it is \$150. per year you are paying now and you are paying double the water rate so that theoretically that would be double that, the taxes would be a wash. You know, the only thing that would be new is paying for the pipes but somebody has got to pay for the pipes.

MR. DICKINSON: Thank you.

MR. VAN NATTAN: If I may please. My name is John VanNattan. I live at 241 Nasner Lane which is a little private driveway exactly. What I would like to do. I am here to speak this evening not only on my own behalf but also...

MR. SECOR: I will sit down then.

MR. VAN NATTAN: Yes, this could take some time, Bruce.

SUPERVISOR FULLER: Excuse me, Mr. VanNattan, this is for questions only. As far as in favor or opposed, we will get to. But, I wanted everyone to have their questions answered first. So, if you could...

MR. VAN NATTAN: Well, there... I have got a slew of questions for Bruce.

MR. SECOR: Then I shouldn't sit down.

MR. VAN NATTAN: Okay. Let's start with that and then we can go on to the other piece. I will give everybody else a chance and then we will go on to the rest of this.

SUPERVISOR FULLER: Just questions at this point. Go ahead.

MR. VAN NATTAN: You know, I just want to make it clear, first of all, that those of us that didn't sign the petition aren't necessarily not in favor of the water. Okay, we would all love to have water. We just do feel that it is cost prohibitive at this point in time.

I am not trying to put you on the firing line, Bruce, but I got a few questions here. How many homes all together do you figure could be built in this area?

MR. SECOR: I don't have...

MR. VAN NATTAN: I am not looking to pin you to an exact number but, I mean, I know that Charlie Crisafulli's got some...

MR. SECOR: Mr. Crisafulli has an approved subdivision which I think is for 14 lots, that face both the Wildwood into Elm. There are other vacant lands, there is the lands which used to be the Sunny Acres Day Camp and I don't know how many acres are in there.

MR. VAN NATTAN: Seven.

MR. SECOR: Seven, whatever it is. I really don't have an answer to that. I mean, one person could build on the 7 acres or 3 people could build, I have no way of knowing that.

MR. VAN NATTAN: What I would like to discuss, is bring up the subject of Dowerskill 3, okay. Correct me if I am wrong, but it has been presented to the Planning Board at this point in time.

MR. SECOR: That is correct. There is a plan.

MR. VAN NATTAN: It is being reviewed by one of your engineer's?

MR. SECOR: That is correct.

MR. VAN NATTAN: Okay. That is what about 235 houses?

MR. SECOR: In that order, yes, they are all single family.

MR. VAN NATTAN: I realize that, yes. Where... and I apologize because I don't know exactly the whole layout of Dowerskill. I have seen a plan, one of the folks in your office was kind enough to show me a plan, yesterday as a matter of fact. Where do they propose to bring water from?

MR. SECOR: They will come in. There is a 12 inch water main on Hague Boulevard which was brought in for phase 1 and 2 of Dowerskill. That will become a 16 inch water main coming across Elm Avenue and they will also tie into a 12 inch water main which will be brought southerly through from Feura Bush Road. So, there will be a 12 inch line here and a 16 inch line coming this way.

MR. VAN NATTAN: Okay. With the current housing... I mean, I don't know... how many do they have in Dowerskill today... 100 houses? I don't know.

MR. SECOR: I don't know what the first 2 phases are. See the beginning of Dowerskill, a certain portion of that was in the Selkirk Extension but the majority of it was in its own extension. So, there's the apartments and townhouses are kind of in here and the new single families are off the cul-de-sac to the north.

MR. VAN NATTAN: They need to do what is known as a loop on this, correct?

MR. SECOR: Well, yes, because they will be tying into another subdivision. This map isn't... doesn't show the other subdivision

here but ultimately what happens is these things all tie together. Like, for example, Chadwick Square, Chadwick Square tied into Brightonwood -- it will eventually all try to loop them up.

MR. VAN NATTAN: Okay. Would they end up looping up to our extension?

MR. SECOR: Yes. What is being proposed here is for the 16 inch main to go to the edge of Bardin's property and then from there over is the Dowerskill property. So, whenever they build out -- I mean he is building currently about 6 houses to 8 houses a year, so you divide 230 by 8, however many years it takes him to get here. Someday this would eventually tie in.

MR. VAN NATTAN: Would you approve this through the Planning Board without approval for a water for him to tie in his subdivision?

MR. SECOR: Well, again, his feed for his subdivision since his phases are coming in this direction, this feed is from the 12 inch on Hague Boulevard. As far as fire flows or water supply, he doesn't depend on this in order to move forward, no.

MR. VAN NATTAN: He doesn't depend on it and you would approve it?

MR. SECOR: Yes.

MR. VAN NATTAN: Okay, without water for him to tie in on the other end of the loop?

MR. SECOR: That is correct. I mean that's -- he has... there is sufficient fire flows and he will be tying this 12 inch main into a 12 inch main going north/south. So, that would be the phase of the situation. It would certainly be beneficial to ultimately tie... I mean, some point, whether it is Wemple Road or any of these things, you would like to get them tied together.

MR. VAN NATTAN: Have we discussed with the gentleman that have Dowerskill about tying all this in together?

MR. SECOR: Yes, I have talked to him but his plans are in limbo because he's... again, he is just going through the process. He's got... I don't know how many acres are out there...

MR. VAN NATTAN: There is about 180.

MR. SECOR: Something like that, he has a considerable site. He just did his wetlands delineation. I think he has -- I don't know if there is anybody here from the Planning Department -- there is an open space, whether it is 20 percent open space or whatever. He is still working through all of that regulation. But, I did run the numbers, I mean the bottom line is the economics. Running the numbers out, if you try and take a water main from Dowerskill and run 16 inch main all the way through here -- all right, what we are looking at here... it is \$235,000 expense because the Town is paying the difference in cost but this is like \$325,000. It is \$325,000 to get from here to here. It is probably another \$400,000 to get over here. So, you have more than doubled the cost and yet this whole parcel currently is assessed at \$330,000 because it is all vacant land.

MR. VAN NATTAN: I realize that. I guess... what I am getting at here is basically a simple theory that developers, in general, and I think you would agree with me, usually help to defray the cost on water when there is something of advantage for them here, okay.

MR. SECOR: When it can be worked out, that is certainly the case you try to do. But, if you look at, again, all of the extensions that have been done, these extensions came in -- North Bethlehem 1966 in the 60s this stuff went in and the developers came along in the 80s and the 90s. They are helping by the fact that they're assessed valuation is within those district boundaries and it brings down the tax rate for everyone. So, I mean, that is one of the reasons for trying to draw these district boundaries as liberally as possible to take in the vacant land. You are trying to get... you are not trying to encourage development, what you are trying to do is to set it up

so as people come along later on, they help pay for the expense of these improvements. Because, if you draw a very narrow district and somebody locates just outside of it, they may want to hook onto that pipe but their assessment is not helping to pay for the cost of that.

MR. VAN NATTAN: What... do we know what the total scope of cost for Mr. Jenkins and Mr. Daniels project is at this point in time?

MR. SECOR: No, because again, all they have right now is a preliminary sketch. I don't have any way of telling you what that is going to be because their road layout isn't even approved yet.

MR. VAN NATTAN: Okay. Well, actually that is all the questions I have in regards to that. I will let everybody else and then I will speak again. Thank you.

SUPERVISOR FULLER: Thank you. Yes.

MR. BETZHOLD: I am Jim Betzold from Wildwood Lane. First, this division of the Water Districts into the 2 different petition areas seem somewhat artificial in a way of sort of concentrated the majority of people who want the water in one area, which is fine. But, I don't see that really anybody south of the power lines wants to be included in the districts, so other than this previously signed agreement that none of us new homeowners new about, I am not sure why that left spur of the district is even included in this.

MR. SECOR: The reason this was put in here was because, again, in... people who are attached to the water line are supposed to be in the district. When you service someone as an out-of-the-district customer, the agreement is set up up front saying that at such time as the district is extended, you will be included. Because, the other side of that is if somebody comes in and says I would like to have water, the answer is no, you are not in the district. So, there has to be and, again, that is why it is handled through the Town Board. And, as I say, the power line kind of became a natural barrier because there was no one who was serviced below that whereas we had... there is a number of people up here who are out-of-the-district users and we had at this water line, kind of in the middle coming out. We are just trying to include all of the people who are connected to the pipes in the district.

MR. BETZHOLD: Are those out-of-district agreements binding if the new homeowners don't even know about them? You know, a lot of them have never seen that agreement before they purchased the house. Is that binding?

MR. SECOR: I don't know. I don't know whether Mr. Kaplowitz can say.

ATTORNEY KAPLOWITZ: I don't off the top of my head. One of the problems we are trying to resolve is to... put them in recordable form and they will be recorded in the County Clerk's office. Whenever someone does a title search thereafter, they are going to come up. Before you buy the property you are going to find out about it. The agreements... it is hard to say. It depends on what took place between you and the person you bought the house from. The agreement is enforceable between that person and the Town.

MRS. BETZHOLD: That person is deceased.

ATTORNEY KAPLOWITZ: Well, whoever it is who sold the house.

MRS. BETZHOLD: Yes.

ATTORNEY KAPLOWITZ: But, whether it is to you, I would have to do some research, the subsequent purchaser. I suspect you will find it is probably enforceable for the most part.

MRS. BETZHOLD: Why does it have to be a 16 inch pipe going down that way.

MR. SECOR: Again...

MRS. BETZHOLD: It is not on the major trunk.

MR. SECOR: Well, it is... when you look at the...

MRS. BETZHOLD: I don't mean Elm Avenue, I mean in front of my house.

MR. SECOR: Oh, no, that is an 8 inch main. There is no 16 inch main over here. It is only...

MRS. BETZHOLD: I thought you said it was going to be a 16 inch main.

MR. SECOR: No, no, I am sorry. Only on Elm Avenue and Elm Avenue East. This is 8 inch over here.

MRS. BETZHOLD: So, are you talking about replacing that pipe?

MR. SECOR: No. That stays where it is. The 8 inch is fine.

MRS. BETZHOLD: So, we are going to pay for pipe that is over... 16 inch pipe on Elm Avenue. I mean we are paying the 8 inch rate, I realize that.

MR. SECOR: That would be included in this. Again, the purpose was, is to get all of the water users...

MRS. BETZHOLD: You just want it tidy.

MR. SECOR: Well... correct.

MRS. BETZHOLD: Right.

MS. ZDGIEBLOSKI: I am Karol Zdziebloski, I live next to Wildwood Lane on Elm Avenue. Would we still be using our pipe -- like if you are an out-of-district service customer or do we have to hook in like in front of our house. Can we still use the same?

MR. SECOR: I spoke with your father before. Since the pipe is coming through the back, theoretically you need to connect up in the front. But, as I say, hooking up to the water is not a mandatory operation so that's not... unless that pipe gave you trouble, you know. The only thing is in the reconstruction... we have to do some reconstruction work back there but I think that pipe is far enough off the road. I don't know that that would be a problem.

MS. ZDGIEBLOSKI: All right, so we could still... even if this went through we could still use that pipe that is there.

MR. SECOR: Unless it gives you trouble. Again... I think you have a meter pit in the back, is that right?

MS. ZDGIEBLOSKI: Yes.

MR. SECOR: That would be one thing to try to get away from but that is something that could be worked out.

MS. ZDGIEBLOSKI: Okay.

SUPERVISOR FULLER: Yes, in the back of the room.

MR. WAKEFIELD: Tom Wakefield on Elm Avenue East. In the 60s and 70s when a lot of these other water districts were put in, there was a lot of Federal and State revenue sharing money that was around and at least one of the districts were 75 percent paid by the Federal government.

MR. SECOR: No. The...

MR. WAKEFIELD: Well, that's information I got.

MR. SECOR: No, it was wastewater. When the sanitary sewer work went through, there was 75 percent State aid, Federal aid and 12 1/2 percent... I am sorry... 75 percent Federal aid, 12 1/2 State aid. But, to my knowledge, there has never been any money given for water mains. It has only been for the sanitary sewer side. Unless someone else knows something different but as far as I know, every one of these was paid by the people who were there.

MR. WAKEFIELD: Okay, I was told by a Water District employee but, whatever, I don't think it makes any difference. Well, to further that question, is there any money around?

MR. SECOR: Again, to my knowledge, we...

MR. WAKEFIELD: Or could you project any?

MR. SECOR: We try to keep track of this stuff. I am looking for money now for some sanitary sewer problems. I have never known of any money. We tried to get money for an area down on Halter Road and I think that was actually a block grant -- we tried to get sewers and water on Halter Road -- I think that was a block grant. It was an area down here on Halter Road that we tried to get water and put a sewage pumping station there was 20 homes or so that had failing septic tanks and had well problems and one thing or another and that was unsuccessful. We hired a special engineering firm who had been successful in other communities and we were unsuccessful. It just didn't work out. But, other than those block type grants, I don't know of any money. There is some money around for sanitary sewers or collection sewers and special circumstances but I do not know of anything for water supply.

MR. WAKEFIELD: One additional unrelated question, Mr. Crisafulli's proposed development -- if that's what... I am not sure what term to use -- is he a major builder? At what rate does he typically build homes if he has like 14 or 15, I think you said?

MR. SECOR: There are 14 lots. My understanding is Mr. Crisafulli is selling off the lots to a builder. He is the land developer but I don't think he is actually going to build the houses. And, again, they can project whatever they want. We, conservatively figured if they did 2 or 3 houses a year, that's what I based the calculations on. Whether they would be able to do that well or do better, I don't know. But, it is my understanding that... and I don't know whether you want to say anything but it is my understanding that it is going to be done by separate builder.

MS. CRISAFULLI: Yes. I think you are probably... 2 to 3 houses a year maybe.

MR. SECOR: Tom, is there anything else?

MR. WAKEFIELD: No.

SUPERVISOR FULLER: Any other questions?

MR. STAGNITTA: I am George Stagnitta. I live on Elm Avenue East. I have been there for about 32 years. Assuming that the 16 inch pipe comes down Elm Avenue and then across Elm Avenue East, does it come down the center of the road? Does it come down on the side of the road or how much of the land does it take off of your lawn?

MR. SECOR: No. We would be in the shoulder of the road. We would be within the Town right-of-way. The sanitary sewer is on the westerly side of Elm Avenue. So, the water main is proposed to be on the easterly side because you have to have a minimum separation between the 2. So, this would actually... the 16 inch pipe line is now on the easterly side up across from Peel Street and we would basically come down in the grassed area, probably 5 or 6 feet off edge of pavement. Come right down through here and then down in front of your home. When we reconstructed Elm Avenue East that was one of the reasons we moved the bushes back and tried to have a nice shoulder area because that's where the water main would naturally go. It will go in the grassed area and simply restore the grass. So, it would all be done in the grass. The only pavement crossing there will be a pavement crossing at the intersection of Elm Avenue and Elm Avenue East to get the water main to the other side and there is a pavement crossing at Wildwood Lane to connect the pipes together. Those are the 2 excavations to get across the street.

SUPERVISOR FULLER: Okay. May I ask those wishing to speak in favor of this extension. You need to come up to the microphone and

identify yourself for the record, please. Those in favor first and then those in opposition. Anyone wishing to speak in favor?

MR. MALPHRUS: My name is Gary Malphrus. I am on Elm Avenue and for anyone who opposes this extension, I appreciate their reasons for I also dislike tax increases. However, water is important, probably the most important in life. We have waited for years for this opportunity and have... would hate to have to wait for another "x" number of years for this to be offered again. We live on the edge, personally, with our well. Any given day we could lose our well. We cannot indulge in a hot bath for our well going dry. We always have to shower and be careful with it. Also, no one knows when or how wells can be contaminated. One neighbor recently had contamination problem. I don't know what they would have been able to do had they not been able to tap as an out-of-district user. And, we have a water softener and the rental of that plus the salt plus the electric causes us to spend probably as much as the taxes will go up. And, finally, there are benefits. The resale will be easier than if it is a well. Higher value, my well devalues my property because it is so poor. And, when and if the electric should go off, we still will have water. And, we don't have to keep testing it for bacteria and if Corning had a problem -- I don't even know what to test for -- or GE in the ground, I wouldn't know. It would be prohibitive to take a sample to Bender and just say find out what's in it. They couldn't do it. So, we might be drinking contaminated water right now and don't even know it. At least the Town would be responsible for keeping it clean. Thank you.

SUPERVISOR FULLER: Thank you. Anyone else wishing to speak in favor of the extension?

MRS. WOLFE: Have to excuse me and my paraphernalia but I am here. My name is Marjorie Wolfe. I live on Elm Avenue. About 15-20 years ago Paulie was in we signed we wanted the water. That was when the development started up above, Elm Estates. At that time we had great drinking water. In the past 10 years I have had a softener system put on, a purification system put on, osmosis \$3500. I pay \$100 a year to have it serviced, plus the water softener salt, plus to drink the water we have a special system on besides that. We know our water is not pure to drink. We do have it to wash, water our garden, which is great. Water pressure is not the best any more. We used to have good water pressure and I understand people have the right to build and I don't have no problem with that but the water would be great to have. I understand other people don't have to put it in, I mean, that is what we were told when we were awfully lucky to get the sewer the way we did. But, water we need it. We need it down there. I have bad water to drink, my neighbors have sulfur water -- I don't, thank God. But, every well on that whole area is different. They start from 22 foot hand dug, some are 28 foot well drilled. Some are even farther than that and they are all getting bad water. We have a lot of surface water now that we never used to have. So, as the developments are going in, I mean even if they are next door or just down the street, they are all changing that aquifer so at least we would know what we were drinking a little bit better than we do now.

SUPERVISOR FULLER: Thank you. Is there anyone else wishing to speak in favor? There were none. We will now go to those who wish to speak in opposition.

MR. DAVIES: My name is Sherwood Davies. I live in Delmar. I have given the Town Clerk a copy of my statement and I would ask that it be verbatim in your minutes of the meeting and if there are any responses to my comments, I would ask it be verbatim as well as any written comments. The proposed Elm Avenue/Elm Avenue East impacts water consumers in the Bethlehem Water District. The overall economic, environmental and health effects should be addressed and an environmental impact statement under SEQR. In accordance with the legal notice published in the Spotlight on March 8th, 1995 I offer the following comments concerning these extensions.

1. The legal notice failed to state that all Water District taxpayers will pay a substantial portion of the cost to extend the district. The notice incorrectly stated that all costs and

disbursements will be paid by petitioners. In the July 1994 engineers report on the proposed extension, it indicates that \$163,000 of the total project costs will be borne by the Town of Bethlehem. In other words, the Water District taxpayers. Due notice should have been given to these district taxpayers.

2. The engineer proposes a 16 inch water main instead of an 8 inch water main to serve the extensions. The justification for the larger size main is that the available flows and fire flows will be strengthened when the Elm Avenue extension is connected to the large diameter main in the new water treatment plant. What is the cost of this future connection? Has there been an intent to segregate or break down the costs of the infiltration gallery, the new water treatment plant, strengthening of the distribution system and additional water storage needs in order to avoid the preparation for an environmental impact statement.

3. A 1991 consulting engineers analysis of Bethlehem's long range water project identified the need for additional storage to maintain adequate water pressure and fire flows in the system. The consulting engineer briefed the Town Board members on December 11, 1991 recommending that a site for additional water storage be acquired immediately. The engineer further stated that the removal of Albany interconnection on Kenwood Avenue would make it difficult to sustain pressure stability and fire flows in the Delmar/Elsmere area. If there is no arrangement to supply water through the Kenwood Avenue interconnection after August 1995, will the Delmar/Elsmere area have a problem with water pressure and fire flows? Residents in the Delmar/Elsmere area need assurance that their water needs will be met. The stringent water ban on lawn sprinkling relates directly to these projected pressure stability problems.

4. Prior to authorizing any further extensions, the Board should request an evaluation of the adequacy of the new supply particularly the new source, the infiltration gallery. The report on this Elm Avenue extension refers to a 6 million gallon a day ground water infiltration system. A September 15th, 1992 consulting hydrogeologist's report, the Dunn report, prepared for the Town, stated that the new source could provide a sustained yield of 4 to 4 3/4 million gallons a day. Has the Board reconciled the difference in yield as reported by the hydrogeologist and consulting engineer? The Dunn report further identifies operation maintenance problems with likely accumulation of inorganic precipitates and organic slimes in the infiltration gallery further reducing the yield. Neither the Dunn Report or the consulting engineer's report have evaluated the down time in operation of this infiltration gallery or the economic, environmental and health impact of the treatment of the gallery with concentrated hydrochloric acid or chlorine.

5. The Dunn Report recommended continuous or intermittent treatment of the water in the infiltration gallery in order to control slimes. The application of both ozone and chlorine prior to filtration will result in a significant increase in ozone by-products such as formaldehydes. Ozone produces disinfection by-products, such as, aldehydes, ketones and peroxides which presently are not regulated at the State or Federal levels. Bethlehem will be one of less than 50 water supplies in the US using ozone and a third supply in New York State. Does the Board have available consultants with adequate expertise to evaluate the application of ozone and the evaluation of the production of these ozone by-products?

6. Analytical data on the Bethlehem new source of water shows a high concentration of Total Organic Carbon. This reacts with chlorine to produce disinfection by-products, referred to as trihalomethanes. The longer the residence time of water in the storage tanks and water mains before it is used by a consumer, the higher the concentration of THM's. The oversized mains in the new Elm Avenue extension will result in a longer residence time and thus a likely significant increase in the THM's. The consultant should provide an evaluation.

7. The Town Board approved the additional 3.2 million dollar bonding in July 1994 based in part on projected costs of operation and maintenance of the new water treatment plant. Recent reports indicate that the O&M costs have significantly increased. The

chemical costs have increased 3 to 4 fold. Has the Board made the financial commitment to accept significant increases without question? Has the Board, Town Administrators or the Town's consultant made any commitment to appropriate a significant amount of money to provide further treatment in addition to the that treatment presently planned for?

I urge the Board authorize the preparation of an Environmental Impact Statement for the purpose of reviewing the economic, environmental and health impacts and not approve any new water extensions until an EIS has been prepared.

Thank you.

SUPERVISOR FULLER: Thank you, Sherwood.

MR. VAN NATTAN: You guys know me, don't you?

SUPERVISOR FULLER: Yes.

TOWN CLERK NEWKIRK: I don't have to do that verbatim too, do I?

MR. VAN NATTAN: No. As I stated earlier, my name is John VanNattan and I live on Nasner Lane down on part of this extension. The packet that I gave you, the initial piece of this... our letters that are signed from individuals who originally signed the petition, okay. Basically, what we did was after we found out the... that the petition was coming through and Mr. Malphrus asked us to sign, as neighbors we asked who signed, who didn't sign and when we asked people we found a lot of them weren't really aware of what the full cost was. Okay. Mr. Secor's letters of December of 1994 and December of 1993 mention that it would range from \$3.50 and \$4.00 per thousand. But, I don't think that everybody grasped that... what that cost was going to be. Out of the 37 properties in this area, 19 of them will see an increase in their taxes of over \$500 a year. We not only have to look at the \$3.50 per thousand but also the almost \$.74 per thousand ad valorem tax which is paid throughout the district, okay. I have all these letters, I have originals. I managed to pick up one more today, so it actually... I have an extra one. I left these with folks, okay and said if you want to change your mind, by all means. You know, you will see exactly what everybody was told in these letters.

Now, what I have done here is try to help explain all of this by coloring in one of the extension maps. The blue areas indicate those who have decided to... who had originally signed and since taken their names... requested their names be taken off this petition, okay based on the cost. Okay. All right, one more, as we go on... this little pink section right here is the home of Mattick, okay, what you will find that on this petition it is not there. Okay, so it is a piece that's actually been omitted from the petition. So, I would like that to be brought to your attention as well.

Now it gets a little more complicated.

SUPERVISOR FULLER: It's not already?

MR. VAN NATTAN: Well, sorry about that. I tried to make this... you will find the last page of your packet has a color code to help you out so... I didn't know what else to do, you know.

SUPERVISOR FULLER: That's good.

MR. VAN NATTAN: The petition itself states 2 things and on the cover page requires the... we the undersigned... and I could go through all this but I am sure you folks are familiar enough with it. It requires 2 things: 1. in order to sign this petition, you have to be a taxable real property and 2. you have to be a resident owner. Okay. Now, what I would like to show you folks here is all this purple stuff, that's non-resident property. Okay. Now, we are going to get into some technicalities here. We know that this is Mr. Crisafulli's property right here, okay. Mr. Crisafulli's signature is on this petition, okay. He does not reside here. This is the land, the old day camp, that is not a problem, nobody signed the

petition, however, it shouldn't actually have been in the base. Then what we have is really 3 parcels where separate assessments have been granted for separate deeds separating the homes from the property. Okay. That is the property of Russo, Vitillo and Stagnitta. Those separate assessments for properties allow this to be considered non-resident ownership because their homes do not reside in this location or reside on these smaller parcels. And, in this situation if you were to drive down through here as of yesterday, there are for sale signs... lot for sale signs on the corner, okay, making this really subdividable property, okay. I am requesting that those be taken off as well, okay.

Okay. Now, one last piece. Well, no not really. We have to do the... the yellow piece that is here, are 2 parcels in which the owner does not reside there. There are houses there but the owners do not reside there, they are actually family members, okay. I am not going to split hairs on these 2 pieces. It is our feeling that they should actually be taken out. I have left them in and you will see the net result on the petition brings it below 50 anyways. So, the other piece of this as I mentioned is the church, okay, which is considered a non-taxable property. Even if they do pay taxes, they are a non-resident property, so we need to remove that one from the petition. The other piece of this that I haven't taken into consideration but I want to draw to your attention, are the properties of Ayres and Zdiebloski, okay. We have this line here that shows a division, okay. In the petition these folks are given full voting privilege yet when the tax is done, okay, and they start to pay for this bond -- correct me if I am wrong, Bruce -- but they will get a separate valuation for this piece.

MR. SECOR: Yes.

MR. VAN NATTAN: Okay.

MR. SECOR: Since only part of the property is in the district, there will be assessed for what's... that within the district.

MR. VAN NATTAN: Right, exactly. So, the point I am trying to make is, we don't know what this value is going to be but yet they have full voting privileges within this petition and I think that needs to be brought to your attention as well. Now, the recalculation that I have given to you is basically the petition that you saw that was given to you on the 22nd of February, shows the property, the assessed value, whether or not it should be in the base of this and whether or not it should be applied to our petition or not. I have given the reasons to decide of that. I hope that as you... as the Board reviews this you will look very closely at those.

Based on a couple of things, the error of omission on the Mattick property not being on the petition. Based on really our feeling is an attempt to mislead the Board in the inclusion of the Crisafulli property, the church property and these other really vacant parcels being in there, we ask that the Town Board reject this petition completely and dismiss it as such based on the errors. What you will find is my recalculation at the bottom, really shows just under 48 percent and not only have I taken those pieces out of the vote but also out of the base where they are not supposed to be. And, I thank you for that.

MRS. WOLFE: I have a question for John. The blue on the top, the first piece up there, who is that?

MR. VAN NATTAN: That is all of the Blair properties.

MRS. WOLFE: Okay and the blue one by the orange that have taken their names out of this?

MR. VAN NATTAN: Oh, this would be Joe Zdiebloski.

MRS. WOLFE: Okay. Both of those properties have water. They have gotten it through the back. They have water, that is why they don't want to go down Elm Avenue, they are getting water free.

MS. ZDIEBLOSKI: I beg to differ on that.

SUPERVISOR FULLER: Excuse me, just a minute. Excuse me, Mr. Kelleher are you waiting to speak, please?

MR. KELLEHER: I am Bill Kelleher who is writing all those article in the Spotlight. I have a statement to make in support of Sherwood Davies statement. I will hand it out to the Town Board Members. The Board thanked Mr. Kelleher. You know, I don't feel good about what I am about to do.

MR. STAGNITTA: Well then sit down.

MR. KELLEHER: I want to protect my Town. The Town Board has been deceived. I know your intentions were good but the Town Board has been completely deceived by the design of this infiltration gallery. There were missing reports that were never in the library. We had to dig them out by Freedom of Information law request.

SUPERVISOR FULLER: Mr. Kelleher, may I interrupt you for one minute, please.

MR. KELLEHER: Yes.

SUPERVISOR FULLER: Is this in regard to the Elm Avenue Extension that we have this evening?

MR. KELLEHER: Yes, it is. It is in regard... it's supporting Mr. Sherwood Davies statement. I think the people who are supporting this petition or opposing it should be aware of what the future holds for us in this Town, particularly in terms of the tax rates. So, let me get into my statement. At the July 27, 1994 Town Board meeting when the additional costs for the new water supply was approved, Supervisor Fuller said we are on our way to probably having the best water supply in the north east. However, the results of pilot plant studies made on the water in December 1993 indicate that it will be the worst quality ground water supply in the entire north east. Further, the infiltration gallery has been designed to fail within 1 to 3 years of pumping. The total organic carbon test is considered to be one of the best tests to measure water quality. In an EPA survey of 119 ground water supplies in the north east, the maximum TLC reported was 4.6 parts per million. And, 50 percent of these supplies reported a TLC equal to or less than 1/2 part per million. When the Town's new water supply was fully treated in December 1993, the TLCs in the finished water varied from 6.6 to 13 parts per million. That's astonishing for a ground water supply. That is not in my statement, but that is astonishing. There is nothing in the north east that has this kind of organic material in the ground water.

MRS. CAPONE: This has nothing to do with Elm Avenue.

AUDIENCE: Right.

MR. KELLEHER: Yes, it does, I'm getting... let me get to the finish. You people on Elm Avenue are going to be drinking this water for a while but not long.

SUPERVISOR FULLER: Mr. Kelleher, just a minute please. You have come here repeatedly and told us exactly the same. You know the test results that we have from the Health Department.

MR. KELLEHER: I am reading them to you.

SUPERVISOR FULLER: You have heard them from DEC. You have heard that we have had the permit. You have heard that this is a safe water supply. This... what you are presenting to us this evening is not related to the Elm Avenue Extension. And, that is what these people are here to ask questions about.

MR. KELLEHER: Can I finish the statement and you will find out why?

SUPERVISOR FULLER: Yes.

MR. KELLEHER: You know very well, Supervisor Fuller, that I submitted this sheet to you and I will now make it a matter of public record for the Town Board.

SUPERVISOR FULLER: We have received it and had it on, Mr. Kelleher.

MR. KELLEHER: I would like it to be a matter of this Town Board meeting record. The reason for the high organic concentration in the water is because you are filtering... we are filtering sludge deposits in the bottom of the Hudson River and this is all explained in this report I just handed out. The consultants ignored good engineering practice in that the oxygen must be kept out of water containing dissolved iron. That is a standard engineering practice. You cannot operate a well very long if you let dissolved oxygen get into the water and that well has iron. The infiltration gallery has been designed to maximize the precipitation of iron hydrate in the well or adjacent aquifer. The galley will clog up within 1 year if pumped on a continuous basis. Residents of the Town are going to be outraged after drinking this very poor quality water and then finding that the well has failed. The Town will never be able to get the necessary permits to unclog the well. However, we will still have to pay at least 28 million dollars over 30 year period for an ill conceived project that will never... that will drive future home owners away from our Town. Thank you.

I can answer any questions if you want me to. Though I am sure there won't be.

MR. WAKELY: What's that got to do with Elm Avenue extension?

AUDIENCE: That's right.

MR. WAKELY: Specifically?

MR. KELLEHER: You people are going to get into a Water District where you are going to have to pay 28 million dollars for a failed well supply. If that doesn't make any difference to you, fine.

SUPERVISOR FULLER: Is there anybody else who would like to speak in opposition this evening? Please come up to the microphone. We need it for the record and your name again too, please.

MR. WAKELY: Tom Wakely.

SUPERVISOR FULLER: Thank you.

MR. WAKELY: I am a little concerned about what was issued on the petition in terms of the bond duration. I am pretty sure it said 30 years and I recall that Bruce said just a few minutes ago that it was... the duration was either 20 or 30 years. I am not so sure that any of the numbers are accurate if it is going to be 20 years. Did you say that? I know you did.

MR. SECOR: No.

MR. WAKELY: No, yes you did, I heard you.

MR. SECOR: No, that is correct. When you try to borrow money, depending on what the market is at the time, sometimes 20 year money is cheaper than 30 year money -- depending on what the rates are. So, what we do and we have financial advisers that go out, look at the various rates and pick the best rate to get the best advantage for the tax payer. So, as I was saying, the project could be spread out over 30 years, the pipes will last for 50 years, that is not a problem. But, it is just a matter of what the bond market is at the time you try to sell the bonds.

MR. WAKELY: So, we really don't know what any of these figures are -- if the cost of the money happens to be more when we borrow it, then the price will be more. Then more will have to be financed, there will be more of a finance cost.

MR. SECOR: Again, the engineer's map, plan and report is a maximum amount to be expended. So, it shows you the maximum amount that the engineer has in it and it shows a financing scheme. When the job is bid out, you have the actual costs in, then you turn around and go to the bonding people and find out what the market is at the time. You can either stand bond anticipation notes which are 1 year notes, are

usually a point or more less than the long term money. And, with this type of assessed project, we can stay on that type of instrument for 5 years or even longer. So, I mean, if you do that this is a \$200,000 project. If you call up New York City and say I want to sell \$200,000 worth of bonds, they are not going to handle it for you. It has to be much larger issue. So, what will really happen is that this will be combined with maybe the composting facility that we are building and some other things that we lump together in a million or a million and a half issue and then sold. And, then that is when you will actually know the rates.

MR. WAKELY: How about cost overruns? Is there... I hear in the paper all the time about cost overruns and we only have to look... I guess... I hate to say water project but the water project thing and you don't have to look very far, it is in the newspaper all the time. Not only here, all over the country. And, so we really don't know what this is going to be or do we? Is this an absolute price that we are talking? And, there will be no cost overruns?

MR. SECOR: Yes. This is a maximum cost. If there was going to be any change, you would have to go back through the whole public hearing process again. But, again, this is a pipe line being put down the shoulder of the road. And, this is not rocket science.

MR. WAKELY: I understand it is not rocket science but I also understand that we don't know what is beneath the ground. I have worked on projects where we have put in 500 feet a day and I have worked on projects where we put in 14 feet a day because you run into unanticipated things in the ground -- big huge rocks. Those costs all add up, they are all added in there.

MR. SECOR: Again, this would be put out to bid. There is a sewer line on one side of the street, there has been a lot of excavation down there, we know there is rock in the beginning and that will be... there is a rock estimate in those numbers that we put out. So, but again, it is a maximum amount and it can't be exceeded.

MR. WAKELY: Okay, this is absolute maximum, comes out of the Town Board pocket anything extra.

MR. SECOR: Well, when you go out to bid, we have 5 bids... If you went out to bid and you got 5 bids and they are all in excess of it, you would stop. You wouldn't spend the money. That is what I am saying. That is why you go out to bid, to know your costs up front, you know what they are going to be.

MR. WAKELY: Bruce, if the trench gets half dug and the guy runs out of money because he has encountered a rock problem, that's... how is that contingency taken care of? It is not going to be free.

MR. SECOR: No, in any public improvement project, when the Town Board puts it out for bid, the low bidder who comes in must bond the project. Whether he runs out of money or not doesn't matter to us, because his bonding company will finish the job. When we award a contract we are guaranteed that the work will be done at the price that is specified and there is a bond that is put on -- a full faith and performance bond for both material and workmanship that guarantees the job to the Town. All the municipal contracts are done that way.

MR. WAKELY: Okay. Okay. Good, thanks. I do have one other comment. I have kept from entering the fray of the water project that everybody sees in the newspaper a lot. I am not a hydrologist or a chemical engineer, my father worked on a research project for Cornell about 3 years ago involving PCBs. That is where he lives, up in Saratoga County. Involving PCBs and the contamination from the General Electric up there. I don't know what a lot of the stuff means that he has told me but I know he wouldn't drink that water and I would be a little concerned right now also about hooking up until there was more clarification about what is going on. Thank you.

SUPERVISOR FULLER: Thank you. Anyone else wishing to speak in opposition?

MRS. BETZHOLD: Kathy Betzhold. We live on Wildwood Lane. I guess we had an agreement signed by the prior owner that we were unaware of. It just seems rather arbitrary that we are included in this. And, we would like not to be.

SUPERVISOR FULLER: Thank you, Kathy. May I have a motion to close the public hearing?

The motion was made by Mr. Lenhardt and seconded by Mr. Putney to close the public hearing at 8:45 p.m. The motion was passed by the following vote:

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

Kathleen A. Newkirk
Town Clerk

The Supervisor convened the regular Town Board meeting following the close of the public hearing.

Supervisor Fuller indicated at times, the Board will vote on a project following the public hearing, asking if the Board wished to take action. The Board chose not to. Councilman Putney asked in terms of the number of residents who must vote and the assessed valuation, if it was a legal question. Supervisor Fuller said it was. He said he thinks this needs to be studied. Councilman Lenhardt concurred with this information. Councilwoman Davis asked Mr. VanNattan in regard to the letter submitted, what he feels the alternative is. Mr. VanNattan said he was not sure. He said he believes after discussion with some developers, that if the water is going to be brought in, it is the civic responsibility for the developer to say he will put the water in. He said if the developers do not believe in this civic responsibility, maybe they should consider sharing a piece of this cost. Mr. VanNattan said if this cost needs to be covered, then everyone will have to buckle down and do this. Councilwoman Davis asked if Mr. VanNattan had a figure that he did not feel was excessive. Mr. VanNattan said it depends on each person. He said he feels for himself, it should come in free. But, he realizes this is not going to happen. He said it depends on what the developers are willing to do. He said he thinks everyone should sit down to discuss this.

Mr. George Stagnitta asked, as a point of information, in regard to the question about the lands that are unoccupied. He said he has a residence and he pays his taxes at his residence and for the land behind. He said his question is, who is going to vote for the lands that are unoccupied if he does not?

Supervisor Fuller said at this point in time, the Board will return to this issue at the next Board meeting if possible, following information on the legal issue. Mr. Wakely asked if when the Town Board votes on this, it will be publicly voted on. Supervisor Fuller said it would be at a public meeting.

Councilman Lenhardt asked if the residents will be notified when this vote is anticipated. Supervisor Fuller said yes and noted the Board will find the best way to notify the residents.

The next item was a request from Engineering Division, Department of Public Works, for approval to go to bid for Precast Concrete Manhole Blocks, Precast Reinforced Concrete Manhole Sections and Iron Castings.

Go To Bid
Precast
Concrete
Manhole Blocks
Manhole
Sections and
Iron Castings

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

WHEREAS, the Town desires to advertise for bids for Precast Concrete Manhole Blocks, pursuant to law,

NOW, THEREFORE, BE IT RESOLVED, that the Town Clerk advertise for such bids in THE SPOTLIGHT issue on the 29th day of March, 1995 and that bids be received up to 2:00 p.m. on the 17th day of April, 1995 at which time the bids will be publicly opened and read.

The resolution was adopted by the following vote:

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

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

WHEREAS, the Town desires to advertise for bids for Precast Reinforced Concrete Manhole Sections, pursuant to law,

NOW, THEREFORE, BE IT RESOLVED, that the Town Clerk advertise for such bids in THE SPOTLIGHT issue on the 29th day of March, 1995 and that bids be received up to 2:10 p.m. on the 17th day of April, 1995 at which time the bids will be publicly opened and read.

The resolution was adopted by the following vote:

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

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

WHEREAS, the Town desires to advertise for bids for Iron Castings, pursuant to law,

NOW, THEREFORE, BE IT RESOLVED, that the Town Clerk advertise for such bids in THE SPOTLIGHT issue on the 29th day of March, 1995 and that bids be received up to 2:20 p.m. on the 17th day of April, 1995 at which time the bids will be publicly opened and read.

The resolution was adopted by the following vote:

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

Go To Bid
Corrugated
Aluminum Pipe,
Metal Pipe
and
Pipe Arch,
Plastic Pipe

The next item was a request from Engineering Division, Department of Public Works, for approval to go to bid for Corrugated Aluminum Pipe, Corrugated Metal Pipe and Pipe Arch, Plastic Pipe.

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

WHEREAS, the Town desires to advertise for bids for Corrugated Aluminum Pipe, pursuant to law,

NOW, THEREFORE, BE IT RESOLVED, that the Town Clerk advertise for such bids in THE SPOTLIGHT issue on the 29th day of March, 1995 and that bids be received up to 2:00 p.m. on the 10th day of April, 1995 at which time the bids will be publicly opened and read.

The resolution was adopted by the following vote:

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

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

WHEREAS, the Town desires to advertise for bids for Corrugated Metal Pipe and Corrugated Metal Pipe-Arch, pursuant to law,

NOW, THEREFORE, BE IT RESOLVED, that the Town Clerk advertise for such bids in THE SPOTLIGHT issue on the 29th day of March, 1995 and that bids be received up to 2:10 p.m. on the 10th day of April, 1995 at which time the bids will be publicly opened and read.

The resolution was adopted by the following vote:

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

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

WHEREAS, the Town desires to advertise for bids for Plastic Pipe, pursuant to law,

NOW, THEREFORE, BE IT RESOLVED, that the Town Clerk advertise for such bids in THE SPOTLIGHT issue on the 29th day of March, 1995 and that bids be received up to 2:25 p.m. on the 10th day of April, 1995 at which time the bids will be publicly opened and read.

The resolution was adopted by the following vote:

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

The next item was a request from Engineering Services Administrator, Michael Cirillo, Department of Public Works, for authorization of the Supervisor to sign two (2) easement documents pertaining to easements for Niagara Mohawk Power Corporation and NYNEX for premises Dinmore Road and Clapper Road, Selkirk.

Easements
NYNEX and
Niagara
Mohawk Power
Dinmore Rd.
and
Clapper Rd.

The motion was made by Mrs. Davis and seconded by Mr. Putney to approve the Supervisor signing two (2) easement documents pertaining to easements for Niagara Mohawk Power Corporation and NYNEX for premises Dinmore Road and Clapper Road, Selkirk. The motion was passed by the following vote:

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

The next item was a recommendation from Engineering Services Administrator, Michael Cirillo, Department of Public Works, for acceptance of deed for drainage easement, 1486 New Scotland Road, Slingerlands, NY.

Drainage
Easement
1486 New
Scotland Rd.

The motion was made by Mr. Putney and seconded by Mr. Lenhardt to approve the acceptance of a deed for drainage easement purposes from Michael V. and Maureen A. Hartmann, 1486 New Scotland Road, Slingerlands, Town of Bethlehem, New York. The motion was passed by the following vote:

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

The following item was to approve the Town Board minutes of February 8 and 22, 1995.

Approve
Minutes
2/8/95 and
2/22/95

The motion was made by Mr. Lenhardt and seconded by Mr. Putney to approve the Town Board minutes of February 8 and February 22, 1995 as presented. The motion was passed by the following vote:

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

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

Approve
Seasonal
Personnel
Parks & Rec.
Dept.

The motion was made by Mr. Putney and seconded by Mrs. Davis to approve the following seasonal personnel as recommended by the

Administrator, David Austin, of the Parks & Recreation Department at the titles and salaries indicated:

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

Brian Taylor
6 Weigand Lane
Delmar, NY 12054

Recreation Instructor I at a rate of \$4.60 per hour.

Miltiadis J. Orietas
58 Wakefield Court
Delmar, NY 12054

Senior Attendant at a rate of \$5.70 per hour.

Ruth M. Griffin
571 Russell Road
Albany, NY 12203

Senior Attendant at a rate of \$6.10 per hour

Alice W. Hahn
So. Albany Road
South Bethlehem, NY 12161

The motion was passed by the following vote:

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

The following item was acknowledgement of the 1994 Annual Report from Town Clerk, Kathleen A. Newkirk. Supervisor Fuller indicated the Town Clerk had a busy 1994.

Acknowledged
1994 Annual
Report from
Town Clerk

The following item was a request from Highway Superintendent, Gregg Sagendorph, for approval to proceed with work regarding sight distance at the intersection of Blessing Road and Krumkill Road, North Bethlehem, pending easement descriptions finalization and hold harmless agreements. Supervisor Fuller noted the Traffic Safety Committee and Mrs. Capone will be keeping an eye on this situation due to their concern. She noted they will welcome the improvement. Councilwoman Davis said the residents of the area will also be pleased with this improvement. Councilman Lenhardt commented on the cooperation from the residents and others involved in this project.

The motion was made by Mr. Lenhardt and seconded by Mrs. Davis to approve the work regarding sight distance at intersection of Blessing Road and Krumkill Road, North Bethlehem proceeding, including easement descriptions finalization and execution of the hold harmless agreements. The motion was passed by the following vote:

Approve
Highway
Work re:
sight distance
Blessing
Rd. and
Krumkill

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

The next item was a request from Highway Superintendent, Gregg Sagendorph, for approval to dispose of three (3) vehicles at auctions to be held by Northway Auto Exchange, Inc. of Clifton Park, NY and Mohawk Valley Auto Auction of Scotia, NY.

Approve
disposal of
3 vehicles
at auction
Highway Dept.

The motion was made by Mr. Putney and seconded by Mr. Lenhardt to approve the disposal of three (3) vehicles at auctions to be held by Northway Auto Exchange, Inc., of Clifton Park, NY and Mohawk

Valley Auto Auction of Scotia, NY. The motion was passed by the following vote:

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

The following item was a recommendation from Deputy Comptroller, Richard Webster, for award of bid for Central Stock Office Products and Office Products Part I Non-Stock to Johnson Stationers, Delmar, NY. Supervisor Fuller indicated this would be for a 6 month period.

Award Bid
Central
Stock Office
Products
and
Office Products
Part I Non
Stock to
Johnson's
Stationers

The motion was made by Mr. Putney and seconded by Mrs. Davis to approve the award of bid for Central Stock Office Products and Office Products Part I Non-Stock to Johnson Stationers, Delmar, NY at the prices indicated. The motion was passed by the following vote:

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

Supervisor Fuller asked for a motion to meet in Executive Session following the regular Town Board meeting to discuss negotiations. The motion was made by Mr. Lenhardt and seconded by Mrs. Davis to adjourn the Executive Session following the close of the regular Town Board meeting to discuss negotiations. The motion was passed by the following vote:

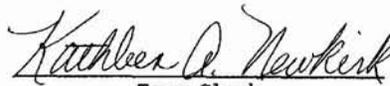
Executive
Session

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

Supervisor Fuller asked if anyone wished to address the Board. No one came forward.

The motion was made by Mr. Lenhardt and seconded by Mr. Putney to adjourn the regular Town Board meeting at 9:00 p.m. The motion was carried by the following vote:

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


Town Clerk

EXECUTIVE SESSION

There was no formal action taken at the Executive Session.