

TOWN BOARD
MARCH 26, 2003

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 Supervisor called the meeting to order at 7:30 p.m.

PRESENT: Sheila Fuller, Supervisor
George Lenhardt, Councilman
Daniel G. Plummer, Councilman
Thomas Marcelle, Councilman
Catherine T. Picarazzi, Deputy Town Clerk
Robert J. Alessi, Esq., Town Attorney

ABSENT: Doris M. Davis, Councilman

- - -

SUPERVISOR FULLER: Good evening and welcome to a meeting of the Bethlehem Town Board. Please join us in the pledge of allegiance. Special welcome to the students -- you picked a good night to be here, our agenda should end about 10:20 roughly. So, I just wanted to make you feel comfortable and enjoy the meeting.

The first item on tonight's agenda is a public hearing on the Section 8 Rental Assistance Program for the Town of Bethlehem. I'll ask the clerk to read the call of the hearing.

DEPUTY TOWN CLERK NEWKIRK:
NOTICE OF PUBLIC HEARING
TOWN OF BETHLEHEM
SECTION 8 RENTAL ASSISTANCE PLAN

The Town Board of the Town of Bethlehem will hold a public hearing on Wednesday, March 26, 2003 at 7:30 p.m. at the Town Hall, 445 Delaware Avenue, Delmar, New York 12054 for the purpose of receiving comments from the public on the Town's proposed Agency Plan for 2003 for the Section 8 Rental Assistance Program.

Copies of the Agency Plan and all supporting documentation are available for review by the public at either of the following locations:

Town of Bethlehem	Joseph E. Mastrianni, Inc.
445 Delaware Avenue	242 Union Street
Delmar, NY 12054	Schenectady, NY 12305
(518) 439-4955	(518) 372-4739 Ext. 26.

All parties in interest and citizens will have an opportunity to be heard at the said hearing. The Town of Bethlehem provides reasonable accommodations for the disabled. Disabled individuals who need assistance in order to participate should contact Nan Lanahan at 439-4131. Advanced notice is requested.

BY ORDER OF THE TOWN BOARD

TOWN OF BETHLEHEM
Kathleen A. Newkirk, CMC, RMC

For an official copy of the minutes, please visit the Town Hall, 445 Delaware Avenue, Delmar, NY or call 439-4955, extension 158.

TOWN CLERK

Dated: January 15, 2003

- - -

State of New York)
County of Albany)

BARBARA MATTHEWS of the Town of Bethlehem, being duly sworn, says that she is the RECEPTIONIST for 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 22nd day of January 2003.

/s/ Barbara Matthews

Sworn to before me this 22nd day of January 2003.

/s/ Sharon A. Doldo
Notary Public, Albany County

- - -

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 January 22, 2003, 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
17th day of March 2003.

/s/ Catherine T. Picarazzi
Notary Public

- - -

The motion was made by Mr. Plummer and seconded by Mr. Marcelle 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. Plummer, Mr. Marcelle.

Noes: None.

Absent: Mrs. Davis.

- - -

This is the annual plan for 2003, Section 8 housing has been in existence – this is the

For an official copy of the minutes, please visit the Town Hall, 445 Delaware Avenue, Delmar, NY or call 439-4955, extension 158.

third year here – for the Town of Bethlehem -- actually started back in 1985. This plan is the same as it has been really the last 2 years. There aren't any changes. It's a program that's a rental assistance program to help low-income elderly and disabled families, as well as, other low-income families to pay their rent and utilities.

Is there any questions from the Board? You all have the plan in front of you. It's pretty much routine and we have a draft resolution that we will be voting on.

Is there anyone in the audience who may have some questions? Okay. May I have a motion to close the public hearing?

The motion was made by Mr. Lenhardt and seconded by Mr. Plummer to close the public hearing at 7:35 p.m. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Lenhardt, Mr. Plummer, Mr. Marcelle.

Noes: None.

Absent: Mrs. Davis.

Deputy Town Clerk

Supervisor Fuller convened the regular Town Board meeting following the close of the public hearing. She asked for a motion to adopt the Resolution adopting an Annual Plan for 2003 for the Town of Bethlehem Section 8 Program.

The following resolution was presented for adoption:

Resolution Adopting an Annual Plan for 2003
For the Town of Bethlehem Section 8 Program

WHEREAS, the Town of Bethlehem operates a Section 8 Housing Assistance Payments Program funded by the U.S. Department of Housing and Urban Development, and

WHEREAS, the Town of Bethlehem is required by the U.S. Department of Housing and Urban Development to prepare and adopt a written Annual Plan that establishes local policies for administration of the Section 8 Housing Assistance Payments Program in accordance with regulations of the U.S. Department of Housing and Urban Development, and

WHEREAS, the Town Board of the Town of Bethlehem has caused a written Annual Plan for 2003 to be prepared establishing local policies for administration of the Section 8 Housing Assistance Payments Program in accordance with regulations of the U.S. Department of Housing and Urban development, and has reviewed such written plan,

For an official copy of the minutes, please visit the Town Hall, 445 Delaware Avenue, Delmar, NY or call 439-4955, extension 158.

NOW THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Bethlehem hereby adopts the Annual Plan for 2003 for operation of the Town of Bethlehem Section 8 Housing Assistance Payments Program.

The foregoing resolution was presented for adoption by Mr. Plummer, seconded by Mr. Lenhardt and duly adopted by the following vote:

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

The next item was a request from NIGRO Companies for approval of modifications to Bethlehem Town Center project, Route 9W, Glenmont. Supervisor Fuller asked Mr. Michael Naughton to proceed.

Mr. Naughton said he was with Steve Powers from NIGRO Companies regarding a request for amendments to the Building Project Approval. He said the first one involves an interior lot change and the approval to allow the transfer of ownership of Lot No. 4 from the Bethlehem Associates to Lowe's. He said the second item was an adjustment of the interior lot line at the request of Lowe's and the third was a change to the building footprint and elevation for the Charter One Bank. He offered to answer any questions.

Supervisor Fuller asked if anyone had any questions. She said there are various motions noting the first would be the SEQR determination.

The following resolution was presented for adoption:

TOWN BOARD
TOWN OF BETHLEHEM
ALBANY COUNTY, NEW YORK
CLASSIFICATION OF ACTION AND NEGATIVE DECLARATOIN
AMENDMENT NO. 4 TO BUILDING PROJECT APPROVAL NO. 33
PLANNED COMMERCIAL DISTRICT NO. 2
NIGRO COMMERCIAL DEVELOPMENT – RT 9W
BETHLEHEM TOWN CENTER

WHEREAS, the Town of Bethlehem Town Board (the "Town Board") has received an application submitted by Nigro Companies for certain amendments to Building Project Approval No.33 – "Nigro Commercial Development – Rt 9W" (a/k/a Bethlehem Town Center); and

WHEREAS, said application entails proposed amendments to a Building Project previously approved by the Town Board on January 23, 2002, and amended on June 11, 2002, August 28, 2002, and February 12, 2003 (referred to herein collectively as "Building Project Approval No.33"); and

For an official copy of the minutes, please visit the Town Hall, 445 Delaware Avenue, Delmar, NY or call 439-4955, extension 158.

WHEREAS, the Town Board, prior to approving Building Project Approval No.33, required and accepted both a Draft and Final Environmental Impact Statement for the development, and issued its SEQRA Findings Statement on January 23, 2002; and

WHEREAS, the proposed amendments to Building Project Approval No. 33 include:

1. Authorize the transfer of ownership of Lot No. 4, as shown on the Interior Lot Division Plan for the Project, from Bethlehem Associates, LLC to Lowe’s Home Centers, Inc., subject to all other terms and conditions of BPA No. 33.

2. Authorize the adjustment of a common lot line between Lot No.1, Lot No. 3 and Lot No.4, as shown on the Interior Lot Division Plan for the Project, without change in the number of approved parking spaces on the Site.

3. Approve a minor modification of the building footprint (reducing the size from 3,318+ square feet to 3,200 square feet) and building elevation drawing for the Charter One Bank building to be located on Lot No.2 on the Site, without change in the number of approved parking spaces on the Site.

WHEREAS, the proposed amendments to Building Project Approval No. 33 are not of sufficient magnitude to alter the general concept of the project, and do not significantly change the scope, scale, layout or design of the overall project, of the SEQRA mitigation measures that are required and will be implemented as part of project development; and

WHEREAS, the Town Board has considered a short Environmental Assessment Form (“EAF”) to assess the potential environmental impact of the proposed amendments to Building Project approval No. 33, with Part I completed by the applicant; and

WHEREAS, the State Environmental Quality Review Act (“SEQRA”) regulations at 6 NYCRR Part 617.3(a) require that no agency shall carry out, fund, or approve an action until it has complied with the requirements of SEQRA; and

WHEREAS, 6 NYCRR 617.6(a) requires that when an agency receives an application for approval of an action it must: (1) determine whether the action is subject to SEQRA, (2) determine whether the action involves a federal agency, (3) determine whether other agencies are involved, (4) make a preliminary classification of the action, (5) determine whether a short of full EAF will be used to determine the significance of the action, and (6) determine whether the action is located in an Agricultural District; and

WHEREAS, 6 NYCRR 617.6(b)(4) indicates that for uncoordinated review of an Unlisted action, each involved agency may proceed as if it were the only involved agency when making its determination of significance before acting on the matter before it; and

WHEREAS, the Town Board has considered the information provided in the EAF;

NOW, THEREFORE, BE IT RESOLVED,

For an official copy of the minutes, please visit the Town Hall, 445 Delaware Avenue, Delmar, NY or call 439-4955, extension 158.

That the Town Board hereby determines that:

1. the proposed amendments to Building Project Approval No.33 constitute an Unlisted action which is subject to SEQRA;
2. the proposed amendments do not involve a federal agency, the U.S. Army Corp of Engineers
3. the proposed action is not located in, or within 500 feet of, an Agricultural District and therefore, is not subject to the provisions of the Agriculture and Markets Law; and
4. a short EAF is adequate for determining the significance of the proposed action; and

BE IT FURTHER RESOLVED,

That the Town Board hereby determines it will not coordinate SEQRA review and will act as lead agency with respect to its own SEQRA review of the proposed action pursuant to 6 NYCRR 617.6(b)(4); and

BE IT FURTHER RESOLVED,

That based upon its review of the project, the EAF, and comparison with the Criteria for Determining Significance found at 6 NYCRR Part 617.7©, the Town Board hereby finds that approval of Amendment No. 4 to Building Project Approval No.33 constitutes an action which will not have significant impact on the environment and, therefore, does not require preparation of a draft Environmental Impact Statement; and

BE IT FURTHER RESOLVED,

That this determination is based on the following facts and conclusions:

1. Building Project Approval No. 33, granted by the Town Board on January 23, 2002, authorized the construction of a 363,849 sq.ft. shopping center to be known as Bethlehem Town Center.
2. Prior to receiving its approval, the proposed shopping center was the subject of both a Draft and Final Environmental Impact Statement required by the SEQRA lead agency, the Town Board.
3. The Draft Environmental Impact Statements, the Final Environmental Impact Statement, and the SEQRA Findings Statement for the Project, which are incorporated by reference herein, are on file and available for public review in, among other places, the Office of the Town Supervisor, the Office of the Town Clerk, and the Town Planning Department.

For an official copy of the minutes, please visit the Town Hall, 445 Delaware Avenue, Delmar, NY or call 439-4955, extension 158.

4. The Town Board issued its SEQRA Findings Statement for the project on January 23, 2002. Contained within the Findings Statement are various mitigation requirements to minimize the potential adverse impacts of the project. Included are off-site mitigation measures to minimize impacts to area roadways and the Glenmont Elementary School, and on-site measures to address federal wetland and visual impact concerns.

5. The proposed amendments to Building Project Approval No. 33 include:

- a. Authorize the transfer of ownership of Not No. 4, as shown on the Interior Lot Division Plan for the Project, from Bethlehem Associates, LLC to Lowe's Home Centers, Inc., subject to all other terms and conditions of BPA No. 33.
- b. Authorize the adjustment of a common lot line between Lot No.1, Lot No. 3 and Lot No. 4, as shown on the Interior Lot Division Plan for the Project, without change in the number of approved parking spaces on the Site.
- c. Approve a minor modification of the building footprint (reducing the size from 3,318+ square feet to 3,200 square feet) and building elevation drawing for the Charter One Bank building to be located on Lot No. 2 on the Site, without change in the number of approved parking spaces on the Site.

6. The proposed amendments are not of sufficient magnitude to alter the general concept of the project and will have no material effect on the overall scale, design or layout of the project.

7. All on-site mitigation required as part of the SEQRA Findings Statement will remain in effect and all off-site mitigation, including required highway improvements and improvements at the Glenmont Elementary School, will be implemented during construction of the project.

BE IT FURTHER RESOLVED,

That this determination of significance shall be considered a Negative Declaration made pursuant to Article 8 of the Environmental Conservation Law; and

BE IT FURTHER RESOLVED,

That the Town Planning department is hereby authorized to file and all appropriate notices so that the intent of this Resolution is carried out.

On a motion by Mr. Marcelle, seconded by Mr. Lenhardt, and by a vote of 4 for and 0

For an official copy of the minutes, please visit the Town Hall, 445 Delaware Avenue, Delmar, NY or call 439-4955, extension 158.

against, and 1 absent, this RESOLUTION was adopted on March 26, 2003.

- - -

Supervisor Fuller said the next resolution was approving the amendment number 4 to the Building Project Approval. The following resolution was presented for adoption:

TOWN OF BETHLEHEM
TOWN BOARD
NIGRO COMMERCIAL DEVELOPMENT – RT. 9W
BETHLEHEM TOWN CENTER
PLANNED COMMERCIAL DISTRICT NO. 2
RESOLUTION APPROVING
AMENDMENT NO. 4 TO BUILDING PROJECT APPROVAL
MARCH 26, 2003

WHEREAS, on January 23, 2002 the Bethlehem Town Board granted Building Project Approval No. 33 for the Nigro Commercial Development – Rt. 9W/Bethlehem Town Center Project; and

WHEREAS, the Bethlehem Town Board granted Amendment No. 1 to Building Project Approval No. 33 on June 11, 1992, Amendment No. 2 on August 28, 2002, and Amendment No. 3 on February 12, 2003; and

WHEREAS, references in this Resolution to Building Project Approval No.33 shall include Amendment No. 1, Amendment No. 2 and Amendment No. 3; and

WHEREAS, the Bethlehem Town Board has received an application from the Project Applicant, Nigro Companies to further amend the Building Project Approval No. 33 to provide for the following:

1. authorize the transfer of ownership of Lot No. 4, as shown on the Interior Lot Division Plan for the Project, from Bethlehem Associates, LLC to Lowe's Home Centers, Inc., subject to all other terms and conditions of BPA No. 33.
2. Authorize the adjustment of a common lot line between Lot. No. 1, Lot No. 3 and Lot No. 4, as shown on the Interior Lot Division Plan for the project, without change in the number of approved parking spaces on the Site.
3. Approve a minor modification of the building footprint (reducing the size from 3,318+ square feet to 3,220 square feet) and building elevation drawing for the Charter One Bank building to be located on Lot No. 2 on the Site, without change in the number of approved parking spaces on the site.

NOW, THEREFORE, BE IT RESOLVED,

For an official copy of the minutes, please visit the Town Hall, 445 Delaware Avenue, Delmar, NY or call 439-4955, extension 158.

The changes proposed by the applicant are not of sufficient magnitude to alter the general concept of the project, are minor and technical in nature, and do not represent a significant modification or a change of any sufficient magnitude to the Project requiring further proceedings before the Planning Board of the Town Board; and

BE IT FURTHER RESOLVED,

That the proposed changes to the Project will not result in a significant impact to the environment beyond those impacts of the Project fully considered and for which mitigation has been provided in the Building Project Approval No. 33 by the Town Board dated January 23, 2003; and

BE IT FURTHER RESOLVED,

That amendment No. 4 to the Building Project Approval is approved in accordance with the terms set forth in the attached, "Amendment No. 4 to Building Project Approval No. 33 for the Nigro Commercial Development – Rt 9W Bethlehem Town Center, Planned Commercial District No. 2, dated March 26, 2003.

On a motion by Mr. Marcelle, seconded by Mr. Lenhardt, a vote of 4 for, 0 against, 0 abstention and 1 absent, this RESOLUTION was adopted on March 26, 2003.

- - -

Supervisor Fuller said the modifications to the Building Project Approval and the Building Project Approval itself and the notice of decision all have been included in the resolutions already voted on.

Mr. Naughton thanked the Board. Supervisor Fuller asked how they were coming along. Mr. Naughton informed, as long as it does not rain, they would be okay.

Supervisor Fuller stated the next item was to set the water use restrictions for 2003. Mr. Bruce Secor, Commissioner of Public Works, gave a report and was happy to state the reservoir is full and flowing over. He said that is a tremendous change from a year ago this time when we were at 32 percent of capacity. He noted the significant improvement in the reservoir level; he is making some recommendations as far as water use restrictions for this summer.

Mr. Secor stated they are required by the New York State Department of Environmental Conservation to file a water conservation program plan, which we have in place and has to be updated from time-to-time. He continued, under this program, they have set up a series of steps where the most stringent restrictions are imposed during droughts and lesser restrictive measures can be adopted during years of normal rainfall. He said he is basically reverting back to that plan and suggesting – and there was a

proposed resolution – that we go back to the lesser level of restrictions which would say we could use the outside watering except between the hours of 10 a.m. and 2 p.m. and basically that is not to waste the water at a time during the day when most of it will evaporate. He also said, the installation of new lawns will be allowed and owners must comply with the restriction. He informed, swimming pools would be allowed to be filled from the municipal supply but that no one will be able to connect to the hydrants. He said it's because the DEC regulations are still in there. Hydrants should be used for emergencies only. He also stated, underground sprinkler systems need a building permit and of course, subject to not sprinkling between 10 and 2.

Mr. Secor went on to state, these are the lesser of restrictions we have but are consistent with the plan and consistent with the status of our reservoir at this point.

Councilman Plummer asked on the underground system, that you couldn't get one unless you obtain a permit? Mr. Secor answered there has always been a need to get a building permit. Councilman Plummer asked if that has always been the case. Mr. Secor said it was supposed to have been the case, yes. He stated he does not know if anyone in the Building Department has checked but for at least the last 5 years they are supposed to get the permit. He said if the Building Department is out doing other inspections and came across someone putting in a system without a building permit, he thought they are required to come in and get one. He said there is a requirement because the irrigation system could be subject to cross-connection or backflow. There is a backflow preventer in the system so when you push the water out into the lawn, if there are lawn chemicals or fertilizers they do not end up back in the drinking water supply of the house. Councilman Plummer thanked Mr. Secor.

Councilman Lenhardt said for a point of clarification, he asked if Mr. Secor said no underground, in fact, new underground systems would be allowed. Mr. Secor said he should have said new if he did not. Councilman Lenhardt said it sounded like no.

Supervisor Fuller asked if the Board wished to act on Mr. Secor's request. The following resolution was presented for adoption:

MARCH 2003 – PROPOSED WATER USE RESTRICTIONS

WHEREAS, on March 10, 1978, the Bethlehem Town Board adopted an ordinance entitled:

ORDINANCE REGULATING THE USE OF WATER FOR AREAS SERVED BY THE TOWN OF BETHLEHEM WATER DISTRICT; and

WHEREAS, said Ordinance authorizes the Town Board to adopt rules and regulations limiting, restricting or prohibiting the use of the public water supply of the Town of Bethlehem when, in the opinion of the Town Board, such rules and regulation are in the best interest of public health, safety and welfare; and

WHEREAS, snow fall and rainfall have restored the level of the water supply in the Vly Creek Reservoir so the level of the reservoir is now above normal seasonal levels; and

WHEREAS, the State of New York has declared the area-wide drought has ended;

NOW THEREFORE BE IT RESOLVED, the Town Board finds sufficient cause to adopt revised water use restrictions for the year 2003, and

BE IT FURTHER RESOLVED, that the Town Board adopts the following Rules and Regulations limiting, restricting or prohibiting the use of the public water supply for area served by the Bethlehem Water District as follows:

- 1) Use of the public water supply for outside watering of lawns, shrubs, flowers, gardens, etc. shall be allowed except between the hours of 10:00 am to 2:00 pm.
- 2) New lawn installations will be allowed but property owners must comply with the restriction of no watering between 10:00 am and 2:00 pm. Property owners should consult with the builder or landscaper to try to select grass seed that is more drought resistant and considers using straw mulch (or other methods recommended by the lawn installer) that will help the grass seed succeed with the water use restrictions.
- 3) Swimming pools can be filled from the municipal supply by the use of the normal water service. No one will be allowed to connect to fire hydrants.
- 4) New underground sprinkler systems will be allowed subject to obtaining a permit from the Building Department. And,

BE IT FURTHER RESOLVED THAT, the Town suggests that the use of the public water supply for non-essential uses, such as but not limited to: washing down of driveways or walk ways. (Use of a broom or leaf blower) be limited. And,

BE IT FURTHER RESOLVED, that the Commissioner of Public Works is directed to prepare a proclamation of said limitations, restrictions or prohibitions and to publish it in accordance with the terms of the aforesaid Ordinance.

The foregoing resolution was presented for adoption by Mr. Lenhardt and seconded by Mr. Marcelle. The motion was passed by the following vote:

For an official copy of the minutes, please visit the Town Hall, 445 Delaware Avenue, Delmar, NY or call 439-4955, extension 158.

Ayes: Mrs. Fuller, Mr. Lenhardt, Mr. Plummer, Mr. Marcelle.

Noes: None.

Absent: Mrs. Davis.

Dated: March 26, 2003

The motion was made by Mr. Lenhardt and seconded by Mr. Marcelle to approve the Water Use Restrictions as presented by Bruce Secor, Commissioner of Public Works. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Lenhard, Mr. Plummer, Mr. Marcelle.

Noes: None.

Absent: Mrs. Davis.

- - -

Mr. Secor continued the second half of the report was simply an update on where we are with the replacement wells along the Hudson River for the industrial water supply. He said basically what happened was Earth Tech has drilled one (1) angle well which is about 152 feet long and has been partially developed and pump tested. He stated that was the basis for the engineering report presented to the Town Board last year. He said they have moved ahead and received the permit for that. Mr. Secor stated the DEC permit was received January of 2003 and they have just received the Corps of Engineers permit. He said all the permits are now in place and as soon as they get the final signed permit back from Corps of Engineers they should be able to schedule the fieldwork. He also stated as soon as he gets a written schedule from Earth Tech, they would pass it on to the Board. He said they do not have a full construction schedule yet.

Mr. Secor continued Earth Tech is also proposing some new vertical wells and they are processed and submitting another application. He said those vertical wells would supplement the angle well so we get back to the 6 million gallons a day, which was part of the settlement agreement. He also said those permits are being processed right now by DEC.

Mr. Secor stated, Earth Tech is also moving forward on the design of the pipelines, electrical supplies, and controls that have to go along with getting these new wells and pumps installed, the pipelines hooked up so they are actually pumping. He said again, they do not have a schedule for that. He hopes this will all be ready by the end of this year or early next year. He said he does not know if Town Attorney Alessi has anything he would like to add as far as the status of the litigation. Mr. Alessi stated he did not.

Councilman Plummer asked Mr. Secor if when he says ready he means generating the 6 million gallons a day? Mr. Secor answered that was their hope. He said if they get the turn around on the permit, they would be able to drill both the angled and the vertical

wells at the same time so that all the well drilling could be in place. He said approval is still needed for the specific plans for pipelines and all the other things so the Health Department will allow them to turn them into service. He also stated it would be a tough schedule to get this all in place by the end of the year but that is what they are pressing for.

Town Attorney Alessi informed it will not be producing 6 million gallons per day when the system is up and running but they will have demonstrated that they are capable of doing that and proved that in testing. He said we will not have the demand, the need for that so that when the system is up and running we will not be producing 6 million gallons per day. Mr. Secor stated we could if we wanted to. Mr. Alessi said exactly.

The next item was a request from Building Inspector, Kevin Shea, for renewal of a dumping permit, 24 Jericho Road, Selkirk. Supervisor Fuller noted this is clean fill permit and it is a renewal.

The motion was made by Mr. Plummer and seconded by Mr. Lenhardt to approve the renewal of a clean fill dumping permit for 24 Jericho Road, Selkirk as applied by Robert Jasinski, 288 Bender Lane, Glenmont, NY and requested by Building Inspector, Kevin Shea. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Lenhardt, Mr. Plummer, Mr. Marcelle.

Noes: None.

Absent: Mrs. Davis.

The following item was a request from Terrence Ritz, Division of Engineering, Department of Public Works, for approval to go to bid for Iron Castings and Precast Reinforced Concrete Manhole Sections. Could advertise on April 2, 2003 and open bids on April 14, 2003 at 3:30 and 3:45 p.m. respectively.

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

WHEREAS, the Town desires to advertise for bids for the purchase of Iron Castings and 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 2nd day of April, 2003 and that bids be received up to 3:30 and 3:45 p.m. respectively on the 14th day of April, 2003 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. Plummer, Mr. Marcelle.

Noes: None.

Absent: Mrs. Davis.

The next item was a request from Terrence Ritz, Division of Engineering, Department of Public Works, for approval to go to bid for Metal and Plastic Pipe. Could advertise April 2, 2003 and open bids on April 14, 2003 at 3:00, 3:10 and 3:25 p.m. respectively.

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

WHEREAS, the Town desires to advertise for bids for the purchase of Metal and Plastic Pipe, pursuant to law,

NOW, THEREFORE, BE IT RESOLVED, that the Town Clerk advertise for such bids in THE SPOTLIGHT issue on the 2nd day of April, 2003 and that bids be received up to 3:00 and 3:10 and 3:25 p.m. respectively on the 14th day of April, 2003 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. Plummer, Mr. Marcelle.

Noes: None.

Absent: Mrs. Davis.

The following item was to acknowledge receipt of Annual Investment Report for the year ending December 31, 2002 and approve the Investment Policy. Supervisor Fuller asked if there were any questions. She noted everything was great.

The motion was made by Mr. Marcelle and seconded by Mr. Lenhardt to acknowledge the Annual Investment Report for the year ending December 31, 2002 and approve the Investment Policy for the Town of Bethlehem. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Lenhardt, Mr. Plummer, Mr. Marcelle.

Noes: None.

Absent: Mrs. Davis.

The next item was a request from Administrator, Nan Lanahan, Parks and Recreation Department, for approval of appointment of seasonal personnel.

The motion was made by Mr. Plummer and seconded by Mr. Marcelle to approve the appointment of seasonal personnel as requested by Administrator, Nan Lanahan, Parks and Recreation Department, at the titles and salaries listed in her Memorandum dated March 26, 2003. The motion was passed by the following vote:

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

The next item was a request from Engineering Services Administrator, Michael Cirillo, for approval of bond reduction for Dowerskill Village, PRD No. 4, Section 2B.

The motion was made by Mr. Lenhardt and seconded by Mr. Marcelle to approve the reduction in bonding for Dowerskill Village, PRD No. 4, Section 2B as requested by Michael Cirillo, Engineering Services Administrator from \$23,000 to a new amount of \$4,400. The motion was passed by the following vote:

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

The next item was a request from Michael Cirillo, Engineering Services Administrator, for approval of bond reduction for Adams Wood Subdivision, Section 2.

The motion was made by Mr. Lenhardt and seconded by Mr. Marcelle to approve the reduction in bonding for Adams Wood Subdivision, Section 2 from \$17,500 to a new bond amount of \$1,000 to cover the cost of installing right-of-way monumentation from Micheli Contracting Corporation as requested by Michael Cirillo, Engineering Services Administrator. The motion was passed by the following vote:

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

The following item was a request from Engineering Services Administrator, Michael Cirillo, for approval of award of needs assessment contract for G.I.S. Supervisor Fuller noted this is the Geographic Information System and it was budgeted. She said there were 4 proposals received and it is the recommendation of Michael Cirillo, Engineering Services Administrator with Jeffrey Dammeyer, MIS Director, and Judith Kehoe, Comptroller.

The motion was made by Mr. Lenhardt and seconded by Mr. Plummer to approve the award of needs assessment contract for a Geographic Information System to Erdman, Anthony and Associates, Inc., Rochester, New York as requested by Engineering Services Administrator, Michael Cirillo. The motion was passed by the following vote:

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

Absent: Mrs. Davis.

- - -

Supervisor Fuller thanked Mr. Cirillo for all the work he has done on this project. She said this is planning for the future. Councilman Lenhardt noted this is a nice tool.

The next item was a request from Chief of Police, Richard LaChappelle, for approval of appointment of Police Officer, effective March 30, 2003 at an annual salary of \$37,077. Supervisor Fuller noted the appointment is Christopher Shunk and it is a lateral transfer from the City of Rensselaer, Rensselaer County and made with approval of the Albany County Civil Service Commission. She said within 30 days of his appointment, Officer Shunk will meet all of the residency requirements as required by the agreement between the Town and the PBA.

The motion was made by Mr. Plummer and seconded by Mr. Marcelle to approve the appointment of Christopher Shunk, Latham, New York to the position of Police Officer at an annual salary of \$37,077, effective March 30, 2003. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Lenhardt, Mr. Plummer, Mr. Marcelle.

Noes: None.

Absent: Mrs. Davis.

The next item was a request from Town Clerk, Kathleen A. Newkirk, for approval of change in election district boundary lines on District 18 and 19 due to legislative district line changes. She said notification had been received from the Albany County Board of Elections that there was a mistake in the election district boundary lines as required by the Legislative District line changes. She said information had to be corrected on the districts because of typographical errors.

The motion was made by Mr. Marcelle and seconded by Mr. Plummer to approve the election district boundary lines on District 18 and 19 due to legislative district line changes as requested by Town Clerk, Kathleen A. Newkirk. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Lenhardt, Mr. Plummer, Mr. Marcelle.

Noes: None.

Absent: Mrs. Davis.

The next item was to approve the Town Board minutes of March 12, 2003. The motion was made by Mr. Marcelle and seconded by Mr. Lenhardt to approve the Town Board minutes of March 12, 2003 as submitted. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Lenhardt, Mr5. Plummer, Mr. Marcelle.

Noes: None.

Absent: Mrs. Davis.

Supervisor Fuller asked if there were any girls in attendance form the Bethlehem Central High School basketball team. Three (3) girls came forward and the Supervisor presented a Proclamation to them to take back to the High School in appreciation for their accomplishments during the 2002-2003 Season. The Supervisor noted this was the first time in 26 years that the Lady Eagles basketball team has won the New York State Public High School Athletic Association, Section 2, Class A title. The Supervisor said she and all the residents of the Town of Bethlehem congratulate the team and the coaches on their outstanding season and excellent overall team record. She noted everyone is very proud of them.

- - -

Supervisor Fuller asked for a motion to go to Executive Session regarding litigation.

The motion was made by Mr. Lenhardt and seconded by Mr. Plummer to adjourn to Executive Session regarding litigation. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Lenhardt, Mr. Plummer, Mr. Marcelle.

Noes: None.

Absent: Mrs. Davis.

The Supervisor reconvened the regular meeting at 9:20 p.m. on motion of Mr. Marcelle, seconded by Mr. Plummer and carried by the following vote:

Ayes: Mrs. Fuller, Mr. Lenhardt, Mr. Plummer, Mr. Marcelle.

Noes: None.

Absent: Mrs. Davis.

The Supervisor asked if anyone wished to address the Board. There was no one wishing to speak.

The motion was made by Mr. Lenhardt and seconded by Mr. Marcelle to adjourn

the regular Town Board meeting at 9:21 p.m. The motion was passed by the following vote:

Deputy Town Clerk

EXECUTIVE SESSION

There was no formal action taken at the Executive Session.