

TOWN BOARD
MARCH 27, 2002

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

PRESENT: Sheila Fuller, Supervisor
George Lenhardt, Councilman
Daniel G. Plummer, Councilman
Thomas Marcelle, Councilman
Kathleen A. Newkirk, Town Clerk
Robert J. Alessi, Esq., Town Attorney

ABSENT: Doris M. Davis, Councilman

- - -

Supervisor Fuller welcomed everyone to a regular meeting of the Bethlehem Town Board and invited them to join in the pledge of allegiance.

The first item was a request from Jeff Dammeyer, Director of MIS, for approval of appointment of Information Services Specialist. Supervisor Fuller said her name is Susan Alexander. She said Susan is one of over 200 candidates that applied for the job, 25 were interviewed and it was narrowed down to Ms. Alexander who comes to the Town with some great expertise. Mr. Dammeyer said Ms. Alexander has experience in doing web design and using Lotus Domino Notes which is the group email system, work with network systems and user help, as well as, doing PDF forms and putting forms on the webs for Town residents to be able to download, imaging systems, and ghosting systems. He said all the things they were looking for and her references and qualifications were excellent. Supervisor Fuller noted this was a funded position in the Town budget. She is appointed probationary until the Civil Service exam is taken.

The motion was made by Mr. Lenhardt and seconded by Mr. Marcelle to approve the appointment of Susan Alexander, Guilderland, New York to the position of Information Services Specialist at a grade 22, step 1, salary of \$50,148. 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. Dammeyer noting it has been a long time looking for the right person indicating she thought it was 3 years. She welcomed and congratulated Ms Alexander.

Supervisor Fuller next acknowledged a special guest, Cindy Hill, who has been named advocate for people with disabilities in the State of New York. She said to her surprise one of the questions asked was what has been done to help people in wheelchairs as an advocate. She said she thought about it and about the things she thought she had done but actually were a result of the things that the Town Board and the School Board had done in the Town of Bethlehem. She said after the competition, which she won luckily, she is now Miss Wheelchair New York representing New York. She wanted to come back and thank the Town that helped her get there. She presented and read a Certificate of Appreciation for the Town Board including notation of the significant improvements that have been done over the years. She mentioned the Planning Board, the Supervisor and the Library people who helped make these things possible. Supervisor Fuller thanked Ms. Hill and noted she will be heading off in August to compete for Ms.

Wheelchair America. She also thanked Ms. Hill for helping to bring all of this to the Town of Bethlehem and congratulated Ms. Hill and her husband.

- - -

The next item was a presentation by Earth Tech on additional water supply for Schermerhorn Island.

SUPERVISOR FULLER: The next item is presentation by Mr. Stephen Myers of Earth Tech on the additional water supply for Schermerhorn Island.

MR. MYERS: Thank you very much, Supervisor Fuller. My name is Steve Myers. I am the Vice President and Senior Section Manager of Earth Tech located here in Albany, New York. I would like to actually formally thank the Board for giving us this opportunity this evening just to give you the highlights of that you have in front of you regarding our proposed plan for the water supply system at Schermerhorn Island. I have a couple other gentlemen that I will introduce in a second that are going to help me with this presentation.

I would like to back up for just a couple of minutes and just give you a little bit of background on Earth Tech. To some people that may be a company they don't know very well and I want to just take a quick moment and just give you a highlight of who we are. Earth Tech is actually a 1.6 billion dollar technology, engineering and infrastructure company based in Long Beach, California. We have about 8500 employees worldwide. We primary operate in the water, wastewater, environmental, transportation and engineering technology businesses. We're a growing business and are actually part of a larger 30 billion dollar conglomerate and our environmental division is actually housed here out of Albany, New York for our New York operations. We have about 160 offices across the country and Earth Tech actually entered New York state through an acquisition back in 1998 when I joined and in that process we got involved in the Town of Bethlehem and the water supply project.

Our primary purpose over that period of time since 1998 is to, frankly, solve an issue with the water supply program that is not delivering up to your expectations and frankly, is not delivering up to our expectations. And, it has been my job as the officer of the company to come forward and solve this problem for you. And, that is the process we have been undertaking since that point in time.

I would like to quickly identify 2 gentlemen here who are with me, who are the head of our technical team. Paul Cody, gentleman to the left. Paul is actually our practitioner and leader for water resources in our... what we call our global water management division which is our most globalized business around the world and Paul has spent 25 years in the ground water exploration and treatment practice. He is a professional engineer and he's involved in design and construction of treatment plants of upwards of one to 40 million gallons a day. He's actually located in our South Portland, Maine office. Garry Smith to his right, is our senior hydrogeologist in our water resources practice. Garry has spent 25 years in the hydrogeology business and has expertise in optimizing water supply services and systems including field implementation. And, if you've been out to the site over the past few months you probably have found Garry there. I think he's been there quite a bit recently.

With that, I just want to just identify a couple of highlights, actually commencing in the summer of 2000 just to put you in perspective before I turn this over to Paul and Garry and let them provide highlights of the engineers report that you have.

Starting in the summer of 2000, actually through the fall and around the turn of 2001, we commenced a very comprehensive aquifer study of the Schermerhorn Island aquifer in the area of the existing infiltration gallery in the Hudson River. That aquifer study was to confirm what we needed to know that in fact the capacity that was necessary to supply the Town of Bethlehem with the water that was

required, was in fact there. And, that aquifer study did confirm that. There is the available water in the aquifer at that location.

We also undertook at the same time, and in parallel with that a feasibility study to determine what processes we could use either to augment the existing system and/or to optimize the gallery to be able to deliver that water from the aquifer to the Town's treatment plant. From that feasibility study we came up with some initial concepts that we felt were processes that could be used in conjunction with the existing gallery to deliver the 6 million gallons a day that's necessary from that facility and we are going to describe those concepts here shortly and then proceeded in parallel with our technical studies and working with Mr. Alessi to ultimately reach a settlement agreement of the legal matters that were related to this issue. In 2001, we were able to install the first angled well and Garry will describe a little better what an angled well is that was the backbone of the program that we want to put in out there for getting ground water to the delivery system... the distribution system that exists now and ultimately up to the treatment plant.

Our plan at this point is to take the conceptual design that's in front of you, get your comments, ultimately your concurrence, we hope and to deliver applications to the State of New York for the water supply permits that are necessary to both do some additional testing on some of the options that we want to use, complete the final design and then ultimately install the system.

So, that's sort of our intended overview scope. We have been working very closely with you in terms of detailed task items. We, I think, communicate with Bruce on almost a weekly basis and will continue to do that. And, what I'd like to do at this point is call on Paul and Garry to describe a little bit more of the conceptual system that we propose to put out there so that you can then have a little more information as you review the document that's in front of you. So with that, I will call on Paul Cody.

MR. CODY: What I was going to do is give you just a brief overview of the work that we've done since Garry and I got involved in July of 2000. As Steve mentioned, we've done several phases of work out here and the first phase that Garry and I got involved in involved really take an overall look at the site and just to give you some orientation of what this site is. The existing gallery is located in this area along the bank of the river. The area that we explored extends from the gallery south to an area... there's a band of trees here on the river and it arcs in to the wooded area to the south, so our investigation really focused on this thin wooded area, if you will, along the edge of the river. And, in 2000 what we looked at was really an overall investigation of the site. We began with some electromagnetic survey which really looked at the depths of the bedrock across the site. Then we moved into some seismic work when we were really focusing on where the deeper pieces of aquifer existed and then we moved on in the fall of 2000 a test well program where we installed a series of test wells and piezometers along the edge of the river and on the land side to try and locate really the best sources of water available on the site. As we were doing that we were kind of thinking about the type of delivery system that we'd ultimately end up and to give Garry a little bit a credit, Garry ended up with a really unique concept here where we were trying to capture really the best water that's available from the site. The problem that we had with the gallery is that water quality on the land side isn't as good as water quality in the aquifer beneath the river so the concept that we've evolved is to drill a series of angled wells, if you will, that will start on the land and... Garry will show you some pictures that describe that... start on land and then penetrate the aquifer underneath the river so that we can ultimately tap into that better water quality that exists in that part of the aquifer.

So, at the end of 2000, what we have done is completed all of these test wells. We've done some small pumping tests. We're looking at the thickness of sediment in the river, the type of aquifer that was there and really trying to work out the spacing of these wells and really try to find the best spots for them. As we've developed this concept... this dark blue line here on the map represents a water line

that would ultimately connect each of the angled wells and bring those back to the existing water line system that comes from the gallery and extends back to the Clapper Road treatment plant.

As we concluded our work in 2000, we then entered into a period of a time where we were working with Bob Alessi and his staff to work on a settlement agreement and we were also in parallel going through a permitting process with the State. We received a permit in August of 2001 to allow us to install a permanent test well and we installed that permanent test well in the fall of 2001 at this location. That test well is actually a full size production well that we pumped at a rate of about 600 gallons a minute and concluded that pump test in December just after Christmas. We are now at the point with this report that you have to present these findings to you and then ultimately to the State to receive a permit to ultimately build out a system that will replace the capacity that is lost in the gallery.

So, at this point, I'll turn it over to Garry and let him go through some of the technical details and show you some of the pictures and schematics, if you will, of the angle well.

MR. SMITH: Thank you, Paul. My name is Garry Smith, Senior Hydro-geologist with Earth Tech and I'll be rather brief on this to give... all right. People can see this from the background. All right. The project that we are talking about is located along the Hudson River and it's over an area of approximately about 1200 feet in length that we are able...

The northern rectangle we see right up here is where the existing infiltration gallery is and the area that we are talking about as far as installing the angled wells is the lower rectangle with a smaller rectangle to the west being conventional vertical gravel pack wells that more people would be more familiar with.

The reason why the angled wells were selected is because of the existing sea wall. It is unknown with the sea wall whether it extends down completely to the bedrock surface or whether it's just partially down to the bedrock surface. But, conventional drilling would normally drill a well straight from the surface vertically downward. What we wanted to do is get on the east side of the sea wall and go beneath the Hudson River into the sand aquifer that lies beneath the river bottom. Now, there's 2 angles that we selected was one at 20 degrees another one is at 10 degrees. The test well that we installed is at 20 degrees and we have the option of going some what lower to 10 degrees. The reason by going to 10 degrees is that the length of the well can be increased and we can cover a greater horizontal distance in the aquifer. Next slide.

That particular well that we drilled is a 24 inch diameter well with a 16 inch inside diameter casing with a stainless steel screen. This is the drilling machine that is utilized to drill at the angle and it's called a dual rotary barber rig and what it can do is penetrate through any type of material whether it's concrete or wood pilings it can be very spongy which can present technical problems during the drilling process. This particular test well which we call AW1 was 149 feet in length and extended approximately 95 feet east and out... east of the sea wall. Next slide.

After the well was surged and developed and fine sands and silts were removed from the well and the well's performance was optimized, the 7 day pumping test was run on the well at 596 gallons a minute. This was pumped 24 hours a day and very detailed water chemistry analysis was obtained over this period in order to meet DOH preliminary requirements and for our overall assessment on the water quality. The purpose of this pumping here was basically to see how many wells could be placed within this 1200 foot stretch along the Hudson River. Then the data was introduced into a computer model and from that computer model, we determined that a maximum of 7 angled wells could be installed in this 1200 foot stretch in addition to 2 vertical wells to the west. Next slide.

Another option in order to optimize the land area that we have available along this river stretch would be the installation of 3 ground water discharge reservoirs. They would be approximately 20 feet deep by 100 feet long by... 200 feet long by 100 feet wide and what that would do is basically allow ground water to flow up through the aquifer that we could not install angle wells. What we're trying to do is optimize the area available adjacent to the river and to have enough safety factor in here for longevity with the ground water supply withdrawal.

So, the whole project will consist of up to 7 angle wells, the existing infiltration gallery, 2 conventional vertical gravel packed wells and 3 ground water discharge reservoirs all within what is know as the Schermerhorn Island area within Bethlehem. Thank you.

SUPERVISOR FULLER: Thank you. Are there questions, comments?

MR. MYERS: If I can just make one concluding remark, right now the plan that we have is from a priority standpoint is that the heart and soul of this whole project revolves around angle wells. It's our hope that the 5 to 7 angle wells will get us to where we need to be in terms of flow. The other options whether vertical wells or the reservoirs that we're looking at both require some additional further testing and would only be put in place if it was necessary based upon the amount of water that we could get out of the angle wells. We're really looking at sort of 4 components that are very critical to this program 1. is, of course, water quantity and how do we get the water that is available in the aquifer up to the system and the second is water quality both from a standpoint it has to meet certain raw water standards and be able to be treatable at the treatment plant. Third, is capital costs and the fourth, of course, is O and M costs and O and M actions.

So, we're trying to balance all of those. The reason for showing all of those options in the document that you have is that just by the way the State reviews these for water supply purposes, they would prefer to have all of the options on the table to be looked at, questioned and discussed at this point and so that they're known so that as the water supply permit process proceeds, they can ask appropriate questions, we can ask appropriate and provide appropriate answers so that all of that is out on the table up front. We hope that we are able to get through this process with the angled wells and meet the need. But, we wanted to put all those options on the table so that's really sort of our thinking in terms of the priorities of why you see sort of 3 or 4 methodologies that we're using to attack the problem. And, of course, we're going to continue to look at issues with the gallery. Thank you.

SUPERVISOR FULLER: Okay.

TOWN ATTORNEY ALESSI: I just wanted to point out that the gentleman who presented here including their company, none of them were involved with the original design, the original construction of the existing system. These gentlemen all came on board long after that and they're the fix it team.

COUNCILMAN PLUMMER: Bob, let me just ask you. The work outlined here is all within the scope of the settlement under the terms that were agreed to?

TOWN ATTORNEY ALESSI: 99 percent of it is within the scope of the settlement agreement. The reservoirs that were discussed are not expressly in the settlement agreement and what we have done to keep the process moving forward because it may ultimately prove to be a benefit to the Town, we're continuing to look at that and to determine whether or not those reservoirs that you saw should be part of it. So, everything else that you've heard tonight with the exception of that small aspect of the design are within the parameters of the settlement agreement.

COUNCILMAN PLUMMER: Okay. All right.

SUPERVISOR FULLER: And, this is not additional cost to the taxpayers which is most important for the community to hear that we are not rebuilding this whole system. This is Earth Tech has taken over the project that the Town proposed many years ago.

COUNCILMAN PLUMMER: What would you... I see we will vote tonight on the public hearing... and, what would be your timing then to get this before the DEC and what would you expect their review time frame to be and how quickly could it be turned around so you could start to do the work to generate the 6 million gallons?

MR. MYERS: Yes, Mr. Plummer. The tentative schedule right now is we have draft applications prepared that we hope to have in your hands as soon as you go through the public hearing process and so forth with the intention of probably filing within 30 to 45 days... whatever, you know, your time table is. We're prepared to go. Our expectation is to try to get permits in the early part of the summer months so that we can take this construction season to start our construction. I can't tell you... since I don't control that process... how long it will take, however, we have held extensive meetings with the State... I believe 3 already... where we've had both DOH, DEC, as well as, County and Army Corps, OGS representatives from the Federal side and State side also to try to move this process along so that they know where we are. They have been very cooperative to date so we're hoping that we can shorten up that time frame. We want to get going. This construction season with the intention of getting the infrastructure, the piping systems and so on in place probably by early part of next construction season so that we are done. We're looking for early '03.

COUNCILMAN PLUMMER: I'm sorry, so you're looking to have the construction early part of the next construction season, you said? When will that be?

MR. MYERS: Completion... we're looking to start construction this year and complete next year.

COUNCILMAN PLUMMER: Right, so complete it in 2003.

MR. MYERS: In '03.

COUNCILMAN PLUMMER: Okay.

SUPERVISOR FULLER: Anyone else have any questions or comments?

MR. SHAFER: My name is Howard Shafer and I have questions concerning the project. You indicated that the first test well is pumping how much... how many gallons?

MR. SMITH: 596 gallons.

MR. SHAFER: 600... 500 to 600 gallons a minute?

MR. SMITH: Approximately 600 gallons.

MR. SHAFER: Okay, you indicated that the first test well goes in 140 feet and was 90 foot deep at the bottom end.

MR. SMITH: It was 98 past the sea wall horizontally.

MR. SHAFER: Okay, in relationship to the bottom of the Hudson River how close do you think you are to the bottom of the Hudson River?

MR. SMITH: The bottom of the well was 42 feet.

MR. SHAFER: The top of the...

MR. SMITH: The top of the screen is 20 feet below the bottom of the Hudson River.

MR. SHAFER: Okay. Any concerns that with GE's dredging... I'm not sure if that hits your... that area of the Hudson... that dredging would impact the bottom of the... of your well?

MR. SMITH: Not at this time, no.

MR. SHAFER: And, you indicated that your tests indicated it as the aquifer there, how far south do you anticipate the aquifer goes from where your site is?

MR. SMITH: The known portion of the aquifer extends from approximately this section here down to about here.

MR. SHAFER: Okay.

MR. SMITH: Now, when you define an aquifer that... the most permeable of the aquifer is this section.

MR. SHAFER: Okay.

MR. SMITH: The aquifer as a whole extends basically from the Vlomankill down to the end of the island.

MR. SHAFER: Down to the end of the island.

MR. SMITH: That's considered as an aquifer... the best that we can tell at this point, more conducive portion of the aquifer is in this zone right here.

MR. SHAFER: Like in my interests were the southern part of this and you indicated it is at the end of the island.

MR. SMITH: Yes.

MR. SHAFER: Thank you.

SUPERVISOR FULLER: Mr. Jasinski.

MR. JASINSKI: Bob Jasinski. Thank you for... 2 of my questions were exactly what the gentleman before me was... GE dredging which is a worry, a concern where it's going to be. Also, as he says, the depth of the last point in the well coming at an angle... the depth below the Hudson River that it would fall. Now 42 feet, I'm no engineer, so I assume they're... they feel that that's a safe depth to be at. My other concern is years ago, knowing the Hudson River the way it is and everything, these holding reservoirs, these 2 water retention areas, is flooding going to be a problem? In case we get flooding in the spring. I mean this is a very dry season, that's why we're looking for water. I was just wondering if there's a problem with them being flooded by river water itself.

SUPERVISOR FULLER: Do you want to answer that?

MR. SMITH: The reservoirs would have to be bermed around the side to be above the 100-year flood plain.

MR. KELLEHER: I have some questions and then I have a statement to make. I heard there is going to be a public hearing is there or isn't there going to be a public hearing?

SUPERVISOR FULLER: Well, the Board hasn't set it yet but we have a resolution before us to set a public hearing for the April 24th meeting.

MR. KELLEHER: Okay, yea. That's what I understood what you had to say Sheila because this is the first time I've seen the report today and I got a lot of other things to be doing so I'm glad that we'll have a chance to make detailed comments on this proposal.

SUPERVISOR FULLER: Sure, that's the purpose of the public hearing.

MR. KELLEHER: Second question is who is going to be making the applications for this ground water lake and... I mean is it the Town or is it going to be Earth Tech?

TOWN ATTORNEY ALESSI: Mr. Kelleher, it's going to be the Town, is going to be the name on the application should the Town Board vote to put in the application.

MR. KELLEHER: So, we have to make a decision that if we put the application in... is that correct?

TOWN ATTORNEY ALESSI: That is a decision for the Board to make, yes.

MR. KELLEHER: Yea, okay. What I wanted to do was prevent us from getting into another liability problem here, you know... this situation was created by the defendants in the law suit and I think they should be the one to get the permit. Now, maybe that isn't legally possible, probably isn't. Let me say this too, the State will do anything to cover up what they got us into to begin with. And, so, cooperation with the State, as far as I'm concerned, means very little. And, that get to my statement I have to make.

In the attached letter to the editor of the Spotlight, July 20, 1994, I predicted that the infiltration gallery would eventually fail because of clogging with iron hydrate. I also knew that there was engineering data that had not been made public. It wasn't in the public library, it was obvious from the July 13th hearing where they made their presentation that a lot of engineering data missing. And, as a result, Clearwater for Bethlehem started a very intensive investigation using Freedom of Information requests. We finally uncovered some of these hidden reports. It was quite difficult to uncover them, especially from Rust, one of the defendants.

It took me about 2 months of calling Rust to get that engineering report and he wouldn't give it to me. I had to go over to ENCON and trace down and find out that Bruce Secor submitted the plans to DEC. Complete change in the method of withdrawing water when they went to the deep aquifer instead of the shallow aquifer they originally proposed when they had one buried out in the river.

I presented it to Clearwater for Bethlehem and we made a decision to submit a petition to DEC to have the permit revised or revoked because all this information... engineering information that was held secret, withheld from the public. It should have been in the library. The State did absolutely nothing. They praised the whole project and they... let me say what we actually put in the petition, very rapidly.

The poor well yield caused by the wood sheet piles, the clogging with iron hydrate, the inability to remove the iron hydrate with hydrochloric acid are some of the reasons in the petition. There are other reasons. But, these are the important reasons that Earth Tech should be aware of. I know you've been talking to DEC about how you're going to clean the well. Well, I'll ask you to show me any directional well underneath the river, how you are going to clean it with hydrochloric acid or anything else? We asked the same thing, this thousand foot infiltration gallery. I never heard adding 100 gallons of hydrochloric acid to get rid

of the iron hydrate. And, my best reference for iron hydrate, is the Corps of Engineers themselves. They know a lot about iron hydrate clogging wells.

Now, this is my final statement, the angle wells and groundwater lake proposed by the defendants in the law suit as a source of drinking water will not solve the basic problems. In 2 or 3 years, the Town will have to resume the law suit to recover all of the costs including the cost of the treatment plant and pipe lines. It's in the best interest of the defendants in the law suit, the Town of Bethlehem, the industries in Selkirk and the City of Albany to turn this water supply into a true industrial water supply thereby allowing the taking of water directly from the Hudson River.

SUPERVISOR FULLER: Thank you.

MR. KELLEHER: I'm done.

TOWN ATTORNEY ALESSI: Mr. Kelleher, thanks for your comments. Just a couple of things -- since I've been involved in this process since the late 1990s, Supervisor Fuller and the Town Board have all gone to great lengths to make sure that the documents are very public, that this is a very transparent process. And, I've spoken with you and I just want to confirm that since that time while there may have been issues before, that you get the documents that you need and that documents have been put on file and I want to make sure, as of tonight, that you're getting everything that you think you need.

MR. KELLEHER: Oh, I'm very satisfied with what has gone on since the lawsuit.

TOWN ATTORNEY ALESSI: Okay, good.

MR. KELLEHER: And, Earth Tech also. I realize they...

TOWN ATTORNEY ALESSI: Good.

MR. KELLEHER: ...have a... you know a time restraint. I have been going down on weekends and looking at the directional well so I am going to get the information from the reports.

TOWN ATTORNEY ALESSI: Good, and I have a request of Mr. Myers and that is if Mr. Kelleher has some questions, etc., whether you would be open to talking to Mr. Kelleher, receiving his information, etc., as part of the process.

MR. MYERS: Absolutely not. We have already gotten Mr. Kelleher's previous comments that he has made, I think back as far as at least in the documentation that I have as far as I believe '94, '96. I'm available, my office is right here. I'll give him my business card, in fact if he'd like to come out to our offices... either he or anyone else from the Town for that matter that wants to help make this process a more positive experience, we are more than willing to listen to that. Our objective is to make this work. I don't want to turn this into a financial discussion but this is monies out of pocket of our company and we've spent, probably close to a million dollars already just on the material that you have seen here today. We're going to fix the problem, we've committed to fixing the problem in the settlement agreement and Mr. Kelleher or any other resident or person who can provide positive input to make that happen, we're more than willing to do that.

SUPERVISOR FULLER: And, Mr. Kelleher, this report -- you didn't come in to pick up today so you can take it tonight and study.

MR. KELLEHER: I was in and looked at it. I didn't think I was allowed to take it home.

SUPERVISOR FULLER: Well, you can take this home tonight. It will be your reading material.

MR. KELLEHER: I will come in after Easter and pick it up.

MR. SMITH: May I approach the Board?

SUPERVISOR FULLER: Sure.

MR. SMITH: I would like just to clarify... not clarify but just to give a little more discussion or information why we are doing these wells at an angle. These wells will be very easy to clean just with standard cleaning techniques, introducing of chlorine and acid to remove the iron hydrate from the well. I've been doing this for a long, long time. This is the way to do it. It is not a perfect solution but what it will do is allow these individual wells to be taken off line for 4 to 5 to 6 days that are required to let the acid sit in solution and remove any of the iron hydrate while the other wells are pumping and just conventional surge cleaning techniques will be required. We've also introduced a... what we would call a chemical feed injection pipe that will go along the top of the screen so if it's the right thing to do at that time, based upon the groundwater chemistry, to slowly allow a residual of chlorine to envelope around the screen and to also reduce the growth of iron bacteria around that screen. Maintenance is a very key part of having this well system operate and for its longevity. And, what we're trying to do is design this so it can be maintained. Thank you.

SUPERVISOR FULLER: Are there any other questions from the audience? We thank you, gentlemen, for being here this evening and I would ask the Board to present a motion to set the public hearing for April 24th at 7:30 p.m.

The motion was made by Mr. Plummer and seconded by Mr. Lenhardt to set a public hearing for April 24, 2002 at 7:30 p.m. at the Town offices to consider proposed new well system to be constructed at no cost to the Town of Bethlehem pursuant to the Settlement Agreement. The motion was passed by the following vote:

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

Noes: None.

Absent: Mrs. Davis.

SUPERVISOR FULLER: The public hearing is set for April 24th at 7:30 p.m. and you are all invited to attend. And, to the community who's now getting to watch Town Board on television again, we welcome you to this meeting on the 24th.

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

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 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 27th day of March, 2002 and that bids be received up to 3:00 p.m. and 3:10 p.m. respectively on the 16th day of April, 2002 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 accept the resignation of John Fenzl, Engineer, Department of Public Works, effective March 30, 2002. Supervisor Fuller said Mr. Fenzl has been a very devoted and hard working employee for the Town of Bethlehem for the past 10 years. She said there is a reception of farewell for Mr. Fenzl which is a small token of the Board's appreciation in bidding him farewell.

The motion was made by Mr. Lenhardt and seconded by Mr. Marcelle to accept with regret the resignation for retirement purposes of John Fenzl, Engineer, Department of Public Works. 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 adoption of resolution regarding use of Recreation Capital Reserve Funds. Supervisor Fuller said this is a permissive referendum and the monies will be used to assist in construction costs for the rest room and snack bar building on Line Drive at the Elm Avenue park.

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Bethlehem in the County of Albany, State of New York has on the 27th day of March 2002, duly adopted, subject to a permissive referendum, a resolution as follows:

WHEREAS, the Town Board of the Town of Bethlehem has determined that it is necessary to build a rest room and snack bar building at Elm Avenue Park, Line Drive, and

WHEREAS, it is estimated that the costs of said work will be approximately \$20,000 and

WHEREAS, in recognition of these needs, funds for such construction are in the Recreation Capital Reserve Account; and,

NOW, THEREFORE, BE IT RESOLVED that it is in the public interest to complete the rest room and snack bar building; and,

BE IT FURTHER RESOLVED, that the Town Board authorizes the expenditure of the reserve monies to fund this project up to a maximum amount of \$20,000 and,

BE IT FURTHER RESOLVED, that the Town Comptroller is authorized to expend from the Recreation Capital Reserve Account the funds necessary up to \$20,000 in said reserve fund; and

This resolution shall be subject to a permissive referendum, as permitted by law.

This motion to adopt the resolution was made by Mr. Plummer, was 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 the Department of Parks and Recreation, Administrator, Nan Lanahan, to authorize the Supervisor to sign an agreement with the Town of New Scotland for the Clarksville Playground program. Supervisor Fuller noted this program is totally paid for by the Town of New Scotland and the Park office provides program for the Clarksville School which is in the Bethlehem School District.

The motion was made by Mr. Lenhardt and seconded by Mr. Plummer to authorize the Supervisor to sign an agreement with the Town of New Scotland for the Clarksville Playground program. 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 Administrator, Nan Lanahan, Parks and Recreation Department, for approval of appointment of seasonal personnel. Supervisor Fuller noted this must include lifeguards for the pool that will open on June 8th.

The motion was made by Mr. Plummer and seconded by Mr. Lenhardt to approve the appointment of seasonal personnel as listed in the Memorandum from Nan Lanahan, Administrator, Parks and Recreation Department, dated March 27, 2002 at the titles and salaries indicated and on file in the Town Clerk's office. The motion was passed by the following vote:

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

- - -

Councilman Marcelle said he was glad the Spotlight had an editorial as he conveyed to the Supervisor that there was no more pressing issue on the people's minds these last weeks, noting he must have received a hundred inquiries with respect to the opening of the pool. He is glad that was corrected today in the Spotlight. Supervisor Fuller said she called the Spotlight this morning and noted there is also 2 block announcements that the pool will open. She said, frankly, for the Thursday and Friday of last week after the Spotlight came out, that's where the tax dollars went. She said she really knows that that impacted this community and how it was generated she did not know. She said they never considered closing the pool. She said it was a case of having water trucked in to level off the pool which is what all the private residents are doing and the private pools in this area. She thanked the Spotlight for helping to get out the message.

The next item was a request from Town Clerk, Kathleen A. Newkirk, for adoption of resolution pertaining to proposed changes within the NYS Education Department. Town Clerk Newkirk explained this resolution pertained to the Local Government Records Management Improvement Fund and it being under the jurisdiction of the New York State Education Department. The Town has been very fortunate to have obtained 9 grants totaling over \$157,000 to help build and enhance the Records Management Program. The proposal is to create a Public Benefit Corporation and that would be named the New York State Institute for Cultural Education and would increase filing fees to fund this through the grant program. She explained the change would affect some 400 employees and the valuable collections they now manage and affect the consultative expert services that are offered through the State Archives office to the State and local governments. The proposed increase in fees would not be a business friendly thing and would be done through the County Clerk's offices and would not be friendly to the legal and commercial aspects of real property development.

Town Clerk Newkirk noted the resolution has been adopted by the New York Association of Counties, New York Association of County Clerks and the New York State School Board Association, and the New York Association of Local Government Records Officers noting she is a Member of the Board. As the Records Management Officer of the Town and a Member of the Regional Advisory Committee of Region 3 since 1995, appointed by the Commissioner of Education,

she asked that the Board consider adoption of this resolution. Supervisor Fuller thanked Town Clerk Newkirk.

**RESOLUTION AGAINST THE PROPOSED INCREASE
IN THE LOCAL GOVERNMENT RECORDS MANAGEMENT
IMPROVEMENT FUND**

WHEREAS, The Governor has proposed to remove certain offices overseeing Cultural Education from the New York State Education Department, incorporating these in an entirely new Institute for Cultural Education; and

WHEREAS, in order to fund this Institute; including the State Archives, State Library, State Museum and State Office for Public Broadcasting, New York State will need to raise millions of dollars in capital investment and plans to do this by quadrupling the present five dollars collected by all County Clerks and the Register of the City of New York on all recorded, indexed and entered documents to twenty dollars, effective July 1, 2002; and

WHEREAS, the Local Government Records Management Improvement Fund was created in 1989 to support grants and technical assistance to local governments to improve and enhance the management of their records and information, and

WHEREAS, said fee increase would provide no improvement in service for the taxpayers paying the fee, nor any additional benefits to the local governments that must collect said fee increase; and

WHEREAS, no demonstrated benefit has been identified in the relocation of these functions to the proposed Institute, in contrast to the highly effective and beneficial relationship that local governments now enjoy with the New York State Education Department; now be it hereby

RESOLVED, by the Town of Bethlehem that this body stands firmly opposed to this proposal; and be it further

RESOLVED, that a copy of this resolution be delivered to the Governor, the New York State Legislature and all others deemed necessary and proper, and we urge them to likewise oppose this proposal.

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

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

Noes: None.

Absent: Mrs. Davis.

- - -

Supervisor Fuller thanked Town Clerk Newkirk.

Supervisor Fuller said she had an announcement, noting this afternoon while working on her computer she had received an email which was troubling and made the following statement prepared by the Highway Superintendent as part of the record.

SUPERVISOR FULLER: It was brought to my attention that a billboard was installed along River Road earlier this week promoting recycling. Although this is a very worthwhile endeavor this billboard was sponsored in part by the Town of Bethlehem and Waste Management along with others. As the email stated, this is both unfortunate and untimely and most certainly a poor location for such a display. This afternoon was the first time that I was aware that such a project was taking place. And, I must say I was a little taken aback that something like this had occurred without me being aware of it. So, I went up to the Building Department to see who had come in to get a building permit for this particular sign and no one seemed to know anything about it. The Highway Superintendent arrived in my office this afternoon and I showed it to him and asked him about it and he has all the answers to my questions.

In checking with Gregg and the Recycling Coordinator, Sharon Fisher, I found this promotion actually was started last fall with a poster contest in several area schools. Posters were judged with winning art work being used as the model for a billboard in area communities, such as the City of Albany, City of Schenectady, Eastern Rensselaer County, each municipality including Bethlehem has used the same art work and winning student name along with their own seal or logo. He billboard shows it's the Academy of Holy Names and the Town of Bethlehem and it's our Town seal in support of recycling which we obviously all are. The problem is, the billboard, what you would see driving by, I am sure is nothing but the Town of Bethlehem logo and who the sponsors are along the bottom of this billboard.

Under my direction, I have asked the Highway Superintendent to have the billboard facing removed or covered immediately. Contact with the advertising company has been made and work may be completed as soon as tomorrow but definitely no later than next Monday.

Once again, I want to stress that the Town of Bethlehem is fully supportive of recycling and we were one of the first communities in the region to initiate a recycling program. It is truly unfortunately that after these many months of planning and hard work for such a worthwhile endeavor, culminated with a promotion in the wrong place at the wrong time. I thank you for giving me the opportunity to get this message out. You do know that Waste Management is looking to locate in our community. This billboard was placed on 144, opposite the Job Corps... on the other side of the road from Job Corps and certainly the residents in the southern end of our Town needless to say were very, very surprised that this occurred. So, I thank everyone for their understanding and they will not see the billboard and frankly, I hope the billboard is covered up tonight.

Supervisor Fuller asked if anyone wished to address the Board. Mr. Marie Capone said there is a woman at the 4 corners who has a very successful business and noted her name was Melissa. She said she has I Love Books and next is Gail Leonardo building, she has opened a new store, low cost candy for little children all the way up to higher cost candy for the parents. She said she sells writing paper, umbrellas and all kinds of different things. She said it is a cute boutique and noted she would appreciate people stopping in to look at what is offered.

Supervisor Fuller asked when she opened. Mrs. Capone said she opened Tuesday and the grand opening was to be Monday. Supervisor Fuller said they all enjoy I Love Books, so she was sure people will be in her store.

- - -

Mrs. Capone said there was a lady talking about the drought and said they looked into Georgia and Florida noting the same problem exists. She said what they are doing is have people wash their car but the car has to be washed on the front lawn. She said when the car is washed, the hose has to be shut off and on, noting this waters the lawn at the same time. Supervisor Fuller said that was interesting, however, we are not allowing that much water.

- - -

Supervisor Fuller noted we did receive 2 inches of rain and the reservoir is 2.2 feet up for February and March but still 10 feet below the normal level. She said restrictions will remain in place, noting that has been the other question being asked. She again said the pool will not be closed.

- - -

Supervisor Fuller asked if there was anything else from anyone. Mrs. Capone said she wanted to say something short. She said there is a person in this community that was on the Theodore Roosevelt that came back. She said the person came back and he had gone to school with Councilman Plummer.

- - -

The motion was made by Mr. Marcelle and seconded by Mr. Lenhardt to adjourn the regular Town Board meeting at 8:33 p.m. The motion was carried by the following vote:

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

Noes: None.

Absent: Mrs. Davis.

Town Clerk