

TOWN BOARD  
MAY 8, 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  
Doris M. Davis, Councilman  
Daniel G. Plummer, Councilman  
Thomas Marcelle, Councilman  
Kathleen A. Newkirk, Town Clerk  
Robert J. Alessi, Esq., Town Attorney

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

Supervisor Fuller asked Mr. and Mrs. Mastriano to come forward while she presented a proclamation to Detective Joseph Mastriano for his loyalty, service and dedication to the Town of Bethlehem Police Department. Supervisor Fuller thanked Detective Mastriano and said on a personal note she enjoyed working with him and that he was a class act. Detective Mastriano thanked the Supervisor and Town Board.

The first item was to accept the resignation for retirement purposes of Detective Joseph Mastriano from the Bethlehem Police Department effective May 17, 2002.

The motion was made by Mr. Lenhardt and seconded by Mrs. Davis to accept with regret the resignation for retirement purposes of Detective Joseph Mastriano of the Bethlehem Police Department. The motion was passed by the following vote:

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

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The next item was a request from Karen Pellettier, Director, Senior Citizen Services, for approval of changes in staff and acknowledge receipt of report of evaluation of department.

Supervisor Fuller said the report was given to the Town Board and acknowledged attendance of Mrs. Pellettier, Mrs. Becker, and Mrs. Wirth from the office. The Supervisor said the request was to modify their job titles and duties of Program Assistant to Program Coordinator to better facilitate the day-to-day coordination and management of the volunteer core, share in the staffing of on and off site programs and services and interface with other agencies in shared programs. She said they also wish to increase the Outreach Worker position from 4/5ths time to full time. She said this request is made for better continuity of service to those most frail, demented and at risk, to better handle requests for visitations and to promote and staff programs for frail, homebound seniors. She said they feel these changes follow the overall developmental growth which reflects the changes in demographics and thus will maintain the integrity of our Senior Service Department. She asked Mrs. Pellettier to give some background in regard to this request. Supervisor Fuller added this is the jewel of the Town of Bethlehem. Mrs. Pellettier thanked the Supervisor. She said it has been their pleasure to serve the older residents of the community. She said for herself it has been 23 years and for the other employees for 15 to 17 years a piece. She said the previous employees that retired has created a big loss to the department. She said at the

same time they have been missing them, they have been looking at the growth in the senior population, the steady increase of families calling for assistance to their loved ones. She said residences for seniors have increased and the residents are aging in place and need more services. She said service needs become more complex and take more time. To implement the 17 to 20 programs that are offered, noting it varies by year, they depend on the volunteer core of over 200, according to Mrs. Pellettier. She said this is time intensive to coordinate and manage the volunteer core. She said they took time to review the programs that have been running and look at other communities and how they are managing their volunteers and senior service programs. She said the changes would best serve the Town of Bethlehem community and therefore, the request is for these 2 changes.

Mrs. Pellettier said they look forward to serving the ever and quickly growing senior population in the community for many years to come.

The motion was made by Mrs. Davis and seconded by Mr. Plummer to approve the increase in Outreach Worker to full time from 4/5ths time and approve the change in title from Program Assistant to Program Coordinator as requested by Karen Pellettier, Director, Senior Citizens Services. The motion was passed by the following vote:

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

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Supervisor Fuller thanked Mrs. Pellettier for attending the meeting. Mrs. Pellettier thanked the Supervisor.

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The next item was a request for an amendment to a Building Project Approval pertaining to Planned Commercial District No. 5, formerly known as CMI, located at 467 Delaware Avenue, Delmar and consider referral to Planning Board for review and recommendations.

Supervisor Fuller asked Mr. Cahill, representative for Henry and Kevin Klersy who are owners of the project, to give information regarding this item. Mr. Cahill said in proceeding toward the development of the project, they discovered there are some housekeeping changes that need to be made to the Building Project Approval. He said he discussed these with Mr. Lipnicky, Town Planner, and they also found that in order to make the building and site more workable, there were some changes that needed to be made to the building without changing the overall square footage of the footprint of the building and to the site plan. He said so that there were no surprises, they decided to come forward and offer the revisions for comment by the Planning Board. He said what they are seeking from the Town Board is an amendment of the Building Project Approval to reflect the fact that the owner of the project is now 467 Delaware Avenue, LLC which is a limited liability company which has been formed. He said the members of that company are Mr. Klersy and his son and no other participants. He said, if the Board recalls, the Town Board was gracious enough last July to grant an extension of the time for commencement of the project until July 2003 and he is requesting a matching amendments to the Building Project Approval document to reflect that time table.

Supervisor Fuller asked if anyone had any questions. Councilman Plummer said it was his understanding last year that they were looking for an operator, asking if they have found one. Mr. Cahill said Mr. Klersy is going to take that on himself and he has contacted someone who will do the operation of the project on a day-to-day basis. Mr. Cahill said it will be Mr. Klersy's LLC that will be getting the approvals through the Health Department. Councilman Plummer asked if the operator is in business today. Mr. Cahill said the gentleman who will be administrator is currently employed in another facility and, therefore, it may jeopardize his position at that facility if his name were disclosed.

Councilman Plummer also noted in the vote one thing that came up and his primary reason for approving the extension of time was that he hoped that a facility smaller in size could be found and yet a facility that could be built there. He said he thinks the residents in the area were very realistic about that. He said he still feels a smaller size facility would be that much more advantageous for everybody. He also noted he knows there is a long history here. He asked if they intend to build the 94 units or consider anything less than that. Mr. Cahill said it is their intent to proceed with the approvals that are in place which provide for 94 units. He said from an historic perspective, the original application contemplated a number of units in excess of that and this had been scaled down to meet the 94 units which has been approved.

Supervisor Fuller noted minimal revisions are made to the site plan and building configuration without changing the overall square footage of the footprint of the building. She said these are the revisions being sent to the Planning Board. She said this is not starting over with this project. She said it is simply going to the Planning Board for them to take a look at these changes that had to be made as a result of the change from CMI to Mr. Klersy. Mr. Cahill said that was his understanding.

Councilman Plummer asked Town Attorney Alessi if the vote is for the 94 units to continue and asked at what point in the process could there be an opportunity to find out who the operator would be and when would that be considered. Town Attorney Alessi said in terms of disclosure of the operator, that is as he understands it, there is no specific process set in place for there to be approval authority for that. He said the changes being requested as of this meeting in terms of coming back before the Board, unless there are other changes to the substance of the project there is no authority for the Board to require the applicant to come back. He said it goes to the Planning Board and if the Planning Board's judgment is that this is a substantial change then the Planning Board will make that judgment. If the Planning Board feels it is not a substantial change, then they will make that judgment as well, according to Mr. Alessi. He said it does not get opened up again as long as they stick within essentially the approval and the scope that they have had before, there is not a lot more process to be had pursuant to the decisions of this Board.

Mr. Cahill said Mr. Klersy will be the individual who will be getting licensed by the Health Department and it will be his credentials that will be checked, his financial ability and things of that nature.

Councilman Plummer said in due respect to Mr. Klersy and his family, they are terrific builders and he respects them as he does Mr. Cahill, he said he will be voting in opposition. He said he believes there was an opportunity to get a smaller size facility here. He said he thinks the neighbors and residents have been through the absolute ringer on this project. He said he thinks this truly changes the character of that community significantly and for that reason he was planning to vote no. Mr. Cahill said he understood.

Supervisor Fuller said the vote this evening was to refer the request to the Planning Board. Town Attorney Alessi said that is the question before the Board. Councilman Lenhardt asked if referral meant it would come back to the Board again. Town Attorney Alessi said that was correct. Councilman Davis noted it would be with their recommendations. Mr. Alessi said that was correct.

Councilman Davis asked if this would remain as an assisted living facility. Mr. Cahill said absolutely, noting there is no intent to change the approvals that are presently in place either as the type of facility or the scope of the project.

Councilman Marcelle asked why this needed to be referred back to the Planning Board, further asking what the structure the Board is looking at. Town Attorney Alessi said that is what the approval process requires in the Town of Bethlehem. That is the law, he said. Councilman Marcelle said they have changed

or wanted a change and said this gets referred to the Planning Board. Town Attorney Alessi said that was correct. Councilman Marcelle then asked if the Planning Board acts on the substance. Town Attorney Alessi said that was correct. Councilman Marcelle said the Board does not act on the substance. Mr. Alessi said it comes back to look at what they have done but this is not a reopening of all issues in the project. He said this is the substantive question is quite narrow. Mr. Cahill said it would be whether or not there have been significant changes made to the original approval. Town Attorney Alessi said the specific language is right in the approval document and that's largely correct.

Supervisor Fuller said when it comes back to the Town Board it is a recommendation from the Planning Board. Mr. Cahill said as to whether or not there were significant changes or not.

Councilman Marcelle for the record stated because of the procedural posture and as the Supervisor knows, he was not here for all the history of the project. He said he would feel uncomfortable voting on the substance of it but for this, he was going to vote. He said he will not abstain.

The motion was made by Mrs. Davis and seconded by Mr. Lenhardt to refer the request for an amendment to Building Project Approval pertaining to Planned Commercial District No. 5, located at 467 Delaware Avenue, Delmar, Town of Bethlehem. The motion was passed by the following vote:

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

Noes: Mr. Plummer.

Absent: None.

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Supervisor Fuller thanked everyone and noted it would be sent on to the Planning Board for review and recommendation.

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The following item was a request from Elsmere Fire District, George M. Kaufman, Deputy Chairman, Board of Fire Commissioners, for waiving of building permit fee regarding renovations at firehouse, Poplar Drive, Elsmere. Supervisor Fuller said this was a request from the Department but felt that a policy was needed to be in place for all of the districts within the Town of Bethlehem – fire district, as well as, ambulance district. A resolution was presented to permit the waiving of permit fee for all fire districts and ambulance districts within the Town of Bethlehem.

Supervisor Fuller asked for a motion. Councilman Lenhardt noted he was recusing himself from this discussion since Slingerlands Fire Department which he has been a long time member of is one of the entities involved with the fees.

Councilman Plummer noted the citizens are just assessed anyway, so they would be paying one way or another. He said he is all for it.

## RESOLUTION

### TOWN OF BETHLEHEM

#### TOWN BOARD

#### ESTABLISHMENT OF FEE ABATEMENT FOR DISTRICTS WITHIN THE TOWN OF BETHLEHEM

WHEREAS, the Town of Bethlehem currently requires various assessing districts within the Town of Bethlehem, including but not limited to, fire districts and ambulance districts (“Districts”) to pay to the Town the full amount of fees for building permits and other development approvals (“Fees”); and

WHEREAS, the Town Board has determined that it is in the public interest to abate the Fees by 100 percent, so that projects on behalf of the Districts are not charged any such Fees and are facilitated in a manner that appropriately recognizes the public benefit of the Districts to the Town of Bethlehem residents and taxpayers; and

WHEREAS, The Town Board is desirous of creating a system whereby these Districts and the Town of Bethlehem residents and taxpayers will know in advance of such developments that the Fees will not be required and that the Fees schedule will be consistently applied;

NOW, THEREFORE, BE IT RESOLVED that:

The Town Board hereby establishes a policy whereby such Fees for the Districts only shall hereby be waived in their entirety.

On a motion by Mrs. Davis, seconded by Mrs. Fuller and a vote of 4 for and 0 against, and 0 absent, and 1 abstaining, this RESOLUTION was adopted on May 8, 2002.

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The next item was a request from Administrator, Nan Lanahan, Parks and Recreation Department, for approval of Supervisor to sign agreement relating to Handicapped Accessible Fishing Area at Henry Hudson Park, Cedar Hill, Selkirk. Supervisor Fuller asked Mrs. Lanahan to give a little history on how long this has been worked on. She said a special thank you to DEC for recognizing the person giving us the funding for an environmental benefit project which has created all of these great things happening at the Henry Hudson park. Mrs. Lanahan said this agreement essentially represents a project that has been ongoing for a couple of years now and it is a gift essentially. She said a group of Henry Hudson River enthusiasts a couple years ago got together and wanted to do something at the river that would enhance the beauty of the river that might perhaps draw on the history of the river and of the area and they have been meeting for a couple years now to try to get together some ideas for that. She said along came one of the committee members from DEC who mentioned a company who had accidentally spilled gasoline into the river and was, therefore, going to be required to pay a penalty. She said because the Henry Hudson Park is located along the river where essentially the spill occurred, DEC identified the park as an affected area and we were entitled to possibly benefit from this penalty. DEC asked that a plan be developed to do some kind of environmental project, according to Mrs. Lanahan, that would benefit the environment of the river, and the aesthetics of the river. She said they came up with a plan to develop a handicap fishing area which will be an 80 foot by 12 foot area right along the riverbed down near the boat launch. She said the project will also include a 20 foot gazebo and several more parking spaces to accommodate the additional fishermen and the gazebo and any other activities going on down in the area. She said the gazebo will help to serve as a shelter for fishermen who are down there in case of inclement weather and it will also serve as just a nice area for the community group to meet. She said there could be family gatherings and family entertainment. She said it will essentially be just a beautiful spot. She said the whole area will include sidewalks and the gazebo will be accessible to the disabled as well. She said it will all be paved and stamped so it will look like brick. She said the cost will be about \$39,000 and she has worked with Engineering Department and Highway Department and the other committee. She said she owes a lot of thanks to them for helping put this project together.

Mrs. Lanahan said the agreement just sets the ball in motion here. She said if the Supervisor signs it and a representative from DEC signs it, then they will be able to get the project started and hope to have it completed in the fall. Supervisor Fuller said this is not money the taxpayers of Bethlehem will have to pay. This is a gift through DEC, she said.

Supervisor Fuller asked if there were members of the committee in attendance. Mrs. Lanahan said there was indicating Ken Daves, Tim Gordon, Parker Mathusa, David Young. She said they are hoping in the long term that the Historical Association might want to get involved later on and maybe put up some kiosks or something that would give residents some more information about the area and the history and the river. She said it is in a beautiful spot and should be a welcomed addition to the area. Councilman Marcelle asked if Rob Leslie was also involved. Supervisor Fuller said he was, noting he was the one who was very instrumental in this project. Councilman Marcelle said he wanted to make sure because he knows Rob very well and he knew this was a big concern of his. Mrs. Lanahan said he has really been on board pushing for this and pushing DEC and opening up all the channels for it.

Councilman Lenhardt noted this park is a certainly a diamond in our community and it is ironic that this week a member from Town of New Scotland who has been fishing in the river in that area for strippers mentioned that fact and I informed him of this project coming up. Councilman Davis said it just keeps getting better. Mrs. Davis asked if this will be expanding the parking for the boat launch as well. Mrs. Lanahan said the parking is essentially car parking. She said the project does not include trailer parking as that would not be the purpose of the handicap accessible fishing area. She said the additional car parking helps serve the fishermen and anybody who is using the gazebo and it also in the long run helps serve the boat launch because there are a lot of people who come to the boat launch just to go on someone else's boat. She said right now all there is is trailer parking.

Supervisor Fuller asked what was being done with playground at the park. Mrs. Lanahan said the playground is in. She said the employees are busy getting the pools open and the fields going. She said within the next few weeks, hopefully, they will get started on that project when the college kids come. She said there will be a lot of good improvements to that park this year.

Supervisor Fuller thanked Mrs. Lanahan and the Committee members for a job well done.

The motion was made by Mr. Marcelle and seconded by Mrs. Davis to approve the Supervisor signing the agreement with Department of Environmental Conservation relating to the Handicapped Accessible Fishing Area at the Henry Hudson Park, Cedar Hill, Selkirk. The motion was passed by the following vote:

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

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The next item was a request from Administrator, Nan Lanahan, Parks and Recreation Department, for approval of Supervisor to sign Agreement for Operation of Concession Stand for the year 2002. Supervisor Fuller noted this is Tom Rowlands who has operated the stand for the last 6 years and has done a fine job.

The motion was made by Mr. Lenhardt and seconded by Mr. Plummer to approve the Supervisor signing the Agreement for Operation of the Concession Stand for the year 2002 at the Elm Avenue Park, Elm Avenue, Delmar. The motion was passed by the following vote:

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

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The following item was a request from Nan Lanahan, Administrator, 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 at the titles and salaries listed in the Memorandum dated May 8, 2002 and on file in the Town Clerk's office as requested by Nan Lanahan, Administrator, Parks and Recreation Department. The motion was passed by the following vote:

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

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The next item was to accept with regret the resignation for retirement purposes of Barbara Asprion, Confidential Secretary. Supervisor Fuller noted this was her secretary. She said Barbara will be leaving on May 31, 2002 after 16 years working for the Town of Bethlehem. Supervisor Fuller said in her letter she noted she would be remiss if she didn't say it has been a pleasure to be part of a team who share the same common goals and she will miss everyone. She also noted she worked for 3 excellent Supervisors, as well as, working hard together, enjoyed each others company and still managed to have a few laughs. Mrs. Asprion thanked the Town Board Members for their support and help over the years and said she was always proud to say she was an employee of the Town of Bethlehem.

The motion was made by Mr. Lenhardt and seconded by Mrs. Davis to accept with regret the resignation of Barbara Asprion, Confidential Secretary to the Supervisor. The motion was passed by the following vote:

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

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The next item was to approve the appointment of Confidential Secretary to the Supervisor at a Grade 12, Step 5. Supervisor Fuller said Jo Mary Dragon is presently working in the Building Department and does the Board of Appeals work. She said she has been an employee of the Town of Bethlehem for 9 years and also has filled in when her Secretary was out of the office.

The motion was made by Mr. Marcelle and seconded by Mr. Lenhardt to approve the appointment of Jo Mary Dragon, Selkirk, New York to the position of Confidential Secretary to the Supervisor at a Grade 12, Step 5. The motion was passed by the following vote:

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

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Supervisor Fuller noted work would continue in her office as long as she has her Secretary.

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The next item was a request from Chief of Police, Richard LaChappelle, for appointment of part-time Clerk-Typist 1 at a salary of \$11.35 per hour. Supervisor Fuller said the hours will not exceed 17.5 per week and the appointment is Briana Sagendorph.

The motion was made by Mr. Lenhardt and seconded by Mrs. Davis to approve the appointment of Briana Sagendorph, Selkirk, New York to the position of Clerk-Typist I, at a salary of \$11.35 per hour as requested by Chief of Police, Richard LaChappelle. The motion was passed by the following vote:

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

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The next item was to acknowledge receipt of the Report on Capital Reserve Funds from Comptroller, Judith Kehoe. Supervisor Fuller asked if there were any

questions or comments on this report. Councilman Davis thanked Comptroller Kehoe. Supervisor Fuller also thanked the Comptroller.

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The next item was to acknowledge receipt of the 2001 Annual Investment Report and consider approval of investment policy. Supervisor Fuller asked for a motion to approve.

The motion was made by Mr. Lenhardt and seconded by Mr. Marcelle to approve the 2001 Investment Report as submitted by Comptroller, Judith Kehoe and to approve the investment policy as submitted. The motion was passed by the following vote:

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

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The next item was to acknowledge receipt of the Quarterly Franchise Fee from Time Warner Cable in the amount of \$89,174.78 for the period January through March 2002.

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The following item was to approve the Town Board minutes of April 10, 2002.

The motion was made by Mr. Plummer and seconded by Mrs. Davis to approve the Town Board minutes of April 10, 2002 as submitted. The motion was passed by the following vote:

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

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Supervisor Fuller said the last item on the agenda that was not on the agenda because this was just received is that DEC has granted the permit to take water from the river for the next 18 months. She said Mr. Secor would be at the meeting to update and make recommendations as to where we are headed with the water restrictions.

MR. SECOR: We hand delivered a Memo to the Board with a copy of the permit that Supervisor Fuller just mentioned. And, when I was talking with Mrs. Fuller, she looked at me and said the first thing you've got to do is answer a question to me, is what has changed since January that leads to the recommendations that are in this Memo.

And, I think that is the best way to start and really what we are talking about is since January when we had to declare an emergency and the reservoir was down at 23 percent of capacity, 4 basic things have changed. First of all we did get some rain and some snow. We didn't get as much as we would like to have gotten but we did get some. The reservoir has gained 9 feet in depth and we are now at 54 percent and in the package of information is a copy of the current reservoir report form.

The second thing that changed is that we did get a letter from the City of Albany saying that they could sell us more water than the minimum that is allowed for in our contract and they've committed to 2 million gallons a day for the rest of the year.

The third thing that changed was we've talked to Guilderland. The Town of Guilderland has surplus water available. They take their water supply from the Watervliet reservoir. The Watervliet reservoir is full and they have excess

treatment capacity. They also have some wells that they don't use every year and even though Guilderland buys some water from Albany in the summer, they have set up a program where they're going to be able to produce additional water so that they won't have to take water from Albany to kind of resell to us and they've got that program set up.

A few months ago when I came here, it looked like we'd only be able to get water from Guilderland for the first few months and then that would fall away. We now have a program in place where we'll be able to get some water for the entire summer and we're projecting anywhere's from 200,000 to 300,000 gallons a day for the summer.

The fourth thing that happened is the thing that Mrs. Fuller has mentioned and probably more important than the other 3 is that we got the permit. We were successful in the permit to allow taking of water from the Hudson River to supply the industrial area. For the first time since 1996 when the Clapper Road plant was built, that plant will finally be able to supply the entire needs of the industrial area which means we can take all of the other resources we have available to meet the needs of the residential area. And, that's a key change. That's something we've never been able to do before and it's the way our system was set up to try and run and we've been having to do things very different for the last 5 years because of the underproduction from the infiltration system.

The Town Board has taken action. We had a public meeting here last month. Earth Tech is moving forward to drill new wells. That's underway. So this 18 month permit is really an interim measure to get us to the point where these new wells are on line and we have the permanent supply available to the Town.

So, based on those 4 change s, the reservoir has more water in it, we're able to buy more water from Albany and from Guilderland and importantly the Clapper Road plant can take care of the industrial area, I'm recommending to the Town Board some changes in where we are, as far as, watering restrictions. Currently we have an all out ban on watering. About 2 years ago, I sent to the Board a series of steps of watering restrictions we would settle on in terms of getting from least restrictive to most restrictive.

The things I am proposing tonight are more restrictive than anything we've ever imposed before. I am recommending that we do mornings only from 6 to 9 a.m. odd and even basis which is the same thing that Guilderland is doing. And, I saw in the paper the other day that Rave na... I think Ravena is doing 7 to 9 on an odd and even basis. We've normally had when we've done restrictions have gone to odd and even mornings and nights. And, I don't think we are at a point where we can afford that. We have some water available. We have to be a little conservative at this point. The other steps that I had recommended to the Board...

SUPERVISOR FULLER: Bruce, if you would be more specific with your number 1 there, the public water supply – you are now going to allow people to water their lawns along with shrubs, flowers, gardens, etc.

MR. SECOR: Right. Use of the public...

SUPERVISOR FULLER: An additional hour.

MR. SECOR: Right. Right now we have no watering of lawns and we are allowing hand watering of shrubs, flowers and ornamental shrubs or whatever – hand held hoses only between 6 and 8 in the morning on an odd and even basis. So... right now we have an all out prohibition against lawn watering. What I am suggesting in here... the 4 points that I've outlined in this proposed resolution is the use of the public water supply for outside watering of lawns, shrubs, flowers, gardens, etc. is allowed only during the hours of 6 a.m. to 9 a.m. on an odd and even basis.

The next thing it talks about new lawns. All new lawn installations that are watered from the public water supply must comply with the odd and even watering restrictions as stated above. Property owners should consult with the builder or landscaper to try to select grass seed that is more drought resistant, consider using straw mulch or other methods recommended by the lawn installer that will help the grass seed grow even with the odd and even watering restrictions.

The third thing we put in, again, going back to the swimming pools is that any new swimming pools which are issued a permit need to be filled from a private source not from the public system. So, we're backing away from the idea of refilling of existing pools. That's not... in the overall scheme of things, that's not a huge amount of water and I think it's an inconvenience that we can do away with for our residents.

The fourth thing, no new underground sprinkler systems to be installed in 2002 unless the permit for the system was issued prior to the declaration of the emergency in January this year. There is one or two folk who got a permit issued last year, it was late in the year, the installer didn't get there and their property is all torn up. This is not, again, a huge deal but it solves a problem for a few people who got caught kind of in limbo where they had a building permit issued for the in ground system but they couldn't get it installed. We did the declaration of emergency in January and we stopped everything. So, this would resolve that.

The other thing we changed is in the current restrictions, we say the Town of Bethlehem prohibits the use of public water supply for non-essential usage. I've suggested changing that wording that the Town requests the public limit the use of water supply for non-essential uses such as but not limited to washing down of driveways or walkways -- use a broom or leaf blower -- washing of the exterior buildings unless required as preparation for painting. So, we did have a call from some professional painters who use a water blasting technique to clean a house before they would paint it.

So, those are... you know, basically, those are the changes that I am recommending. I think it's prudent to do at this point. We have had, as I said, the 4 basic things that have changed and I think that we can recommend to go forward with this.

COUNCILMAN PLUMMER: Bruce, on the last meeting we talked about the City of Albany providing up to 2 million gallons a day and at that time we were using about 1.1, 1.2. Has it been the same pattern over the last couple weeks?

MR. SECOR: Yes and we're still only using about 1.2 from them.

COUNCILMAN PLUMMER: And, what would you estimate with these changes, the usage that that would generate?

MR. SECOR: We're estimating that allowing the sprinkling in the morning only will use between a half a million and a million gallons a day on average.

COUNCILMAN PLUMMER: All right.

MR. SECOR: So, it's about what water we have available from the City. \

TOWN ATTORNEY ALESSI: Where will that water be drawn from?

MR. SECOR: It's a series... we're going to do 2 things. We have storage in our system and during the watering hours, we will turn on the circulating pumps from the Parks storage tanks and pump water out of there. At the same time, we're pumping continuously from the City of Albany to supply this need. If the tank levels come down a little bit, that's fine because then after the sprinkling time is over, that gives us a place to put the water that we're going to continue to pump from the City. The City would like us to buy on a more continuous basis. So,

we're going to use water out of storage between 6 and 9 in the morning and then we have the rest of the day. We basically have 20 hours to refill it.

TOWN ATTORNEY ALESSI: So, you're not drawing from the Vly Creek reservoir for water that will be used for the 6 to 9 sprinkling?

MR. SECOR: That is our plan. Again, the only thing that would change there is if Albany was to shut down because they had a problem in the transmission main and we would have to then put a stop to this for that time period until they came back up on line. But, they've been very regular over the last few years as far as having a reliability of service.

COUNCILMAN MARCELLE: Bruce, what's the logic behind banning sprinkler systems?

MR. SECOR: They tend to use a lot more water than people who have to drag hoses out and move them around. I mean if all you have to do is go back and set a time clock, the probability that you are going to use a large share of water consistently is higher. And, so, in the good years, you know if the water is there it makes sense but it's a restriction that we had offered to DEC that they kind of picked up on. There are a couple things that DEC picked up on.

COUNCILMAN MARCELLE: Does DEC require this one?

MR. SECOR: No, they had... actually if you read their language, they're language is a little more open and they just said that we continue restrictions and mandatory restrictions. What I'm recommending, I believe, and I'd looked to Bob for him to agree with this but I believe what we are proposing is consistent with the language of the permit.

TOWN ATTORNEY ALESSI: I would like to leave it at that.

MR. SECOR: Okay.

COUNCILMAN MARCELLE: Well, I guess, here's what I'm worried about. It seems to me if we think sprinkler systems waste water...

MR. SECOR: No... I use waste...

COUNCILMAN MARCELLE: Or use tremendous amount more water than a hose...

MR. SECOR: Consume more than other options.

COUNCILMAN MARCELLE: Why don't we just say in the Town, nobody can use their sprinkler system. Everyone has to be treated equally. In other words, if we're going to have all these people putting in new lawns this summer and next summer, God willing, we'll have 98 percent reservoir and all the water we need, they're going to be digging up their lawns and putting in sprinkler systems and then we're going to be pouring... regrowing that same lawn twice. Is there a way to even issue these permits but not allow them to be turned on or some sort now where if someone wants to put them in, then seed their lawn even if they can't use it, they don't have to dig their lawn up after they've planted and seeded it.

MR. SECOR: Again, that would be up to the Board on how you wanted to do that. It seemed to be an awkward situation that to say to somebody you can spend thousands of dollars to put this in but then you are not supposed to use it. But, again, that's...

COUNCILMAN MARCELLE: But, you could save them money in the long run because if they're going to spend money putting in a lawn, unless they wanted to keep their dirt, and then when we lift this restriction, again assuming we get some

rain... sufficient rain to build up in the future, they're going to have to... all that money to put into put in a lawn, if they really want a sprinkler system, they're going to have to dig it up and we're going to force them to have additional costs. So, I guess it seems to me, it makes more common sense to say, look we'll issue the permit but you can't turn them on until we lift the emergency restrictions.

MR. SECOR: Again, whatever the desire of the Board is. I... that doesn't do anything as far as actual consumption but it's... I guess it's the worry that whether... how much patrolling or policing you'd have to do of that, that's all.

COUNCILMAN MARCELLE: I think we can trust the good citizens of Bethlehem.

MR. SECOR: But, the problem is for someone driving... if we hire somebody to go out and patrol, how are they going to know which systems are supposed to be on and which ones aren't? I guess that's the problem.

COUNCILMAN MARCELLE: Well, how many do we get a year? I mean if we lifted this restriction, we're talking hundreds, ten, twenty?

MR. SECOR: I really don't know and I don't know if Kevin is here. I don't know. Some years I think there's been 30 to 50 to 100, other years I think it has been slower. I think it has picked up in recent years but I really don't have a good number for that.

COUNCILMAN DAVIS: I have to presume that there was a very good reason why that particular restriction was imposed to begin with and I'd like to trust that.

COUNCILMAN MARCELLE: What the reason, I'm sorry?

COUNCILMAN DAVIS: I said I have to assume that there was a very good reason.

COUNCILMAN MARCELLE: That's what I'm trying to find out, what the reason was because it doesn't seem to make logical sense to me.

MR. SECOR: The basic idea was... is that if you install an automatic system whether it be 4, 5, 6 or 7 zones and you put a time clock on, the probability... I don't know how many times you've driven down the street but I know on Delaware Avenue, there's 2 or 3 places where whether it's raining or not, the sprinklers come on because the time clock says it's time.

SUPERVISOR FULLER: Absolutely.

MR. SECOR: So, I mean, the idea was... is that if we're going to look at restricting things to look at... I guess to impose the least hardship so if you don't have a sprinkler system, you don't have to worry about not turning it on. Again, it's not perfect. We're trying to take some steps to hold this within that 500 to a million gallon zone.

COUNCILMAN MARCELLE: I'm just worried about making homeowners, you know, pay twice when they shouldn't have to if there is a way to tell them, look you can put it in but you can't turn it on until we lift these restrictions. And, if we get a list of 20 residents, you know, when we send someone on patrol it shouldn't be too hard for them to have, you know, whatever section of Town... boom, boom. Give us a look at the ones that we've given permits for because again... it doesn't... it's not the fact that they are in the ground.

COUNCILMAN PLUMMER: It's whether they're consuming water.

COUNCILMAN MARCELLE: It's whether they're consuming the water and it just seems to me we are imposing a cost on homeowners we shouldn't impose.

COUNCILMAN LENHARDT: As I've said before, I don't think patrol is an issue in this Town. I believe the residents patrol themselves or their neighbors.

MR. SECOR: It's not so much patrolling around to find these. It's having to have someone to be responsive to the call. If a call comes in at 5 or 6 at night, unless you have somebody out there on call, it's just a matter of being responsive to the call rather than calling somebody out on overtime and just to go and had out a warning slip. But, the Building Department usually has somebody on on Saturdays during the summer and we're looking to bring somebody on at 3:30 or 4:00 o'clock because our crews work from 7 to 4:30 and we bring somebody on at 4 o'clock and let them work from 4 to 9 or 4 to 10 as... on the enforcement end. The important thing is that we are uniform and that we really stand behind this. If we're going to allow it in the morning, then we do what we have to to control it the rest of the time.

SUPERVISOR FULLER: We need to be consistent for this community so that they don't continue to be confused over what's restrictions, what's the law, what are suggestions. We do have a lot of confusion out there and I think we are the reason they are confused. So, I think tonight what we need to do is be very specific and spell out very clearly what the restrictions will be from this day on until the next time you have to appear before us and I would hope that wouldn't be until the year 2005 at the very earliest. As you've heard many times from me already with the drought conditions we're running out of water to yea, now we've had enough and we can go ahead. I understand that this is not an exact science but I would like to have it a little more accurate than I guess I've experienced in these last couple months.

I am, you know, looking at it in support of lifting these restrictions. We told the community we would do this. I think the DEC permit is... for the 18 months certainly gives us the security that we can continue providing industry with that water but I do think this community needs to continue to conserve and frankly, that's what has helped to raise the level at the reservoir. There's been true conservation. These residents have been great in following the restrictions that we have already placed on them and frankly, I have not heard a great deal of discussion about why we need to water our lawn. We've had the problem with new areas of Town and new lawns that need to go in and that's something that other's, I'm sure, will address. But, for me, I can't get too worked up over this underground sprinkler system, I think it can wait until next year. I don't think it's required now. I think the idea to allow families, businesses to continue to go out and install new lawns, for the residents to be able to water their lawns for an additional hour is responding to the additional water that we have at this time.

COUNCILMAN LENHARDT: It's not only watering their lawns for an additional hour, this is allowing them to water their lawns at all from our current restriction.

SUPERVISOR FULLER: Right.

COUNCILMAN PLUMMER: But, I'm very supportive because I mean we have water available to us that we are not using and that's been an issue for quite a while now. And, I believe what you are saying when you make the statement that if you open it up to this degree and this is still going to be the strictest we've ever had in this Town, so these are severe conservation measures. So, if you open it up to this use, we do have the water to accommodate the need. So, why not give people some relief. So, I'm supportive.

COUNCILMAN MARCELLE: I have one other question for Bruce. The one to further resolve after the enumerated paragraphs, the request that the public limit the use of water supply for non-essential uses. I guess if we really view these things as non-essential uses and we still have a severe problems with our water supply and building up our water, why would we change that from a prohibition to just a kind of suggestion?

MR. SECOR: Again, it's just a matter of uniformity. If we're going to say you can go ahead and we have sufficient water to do the lawn watering, if somebody has a particular problem that they need to take care of, we're trying to allow some flexibility. As we said here in the beginning, I don't care how many things we try to list we could never list every specific thing anybody could think of to do with a garden hose. So...

COUNCILMAN MARCELLE: Well, here's my concern. I mean if we really want people to broom down their driveways to take off the prohibition and say look water them down as you deem necessary, we've kind of lost, I think, that window of opportunity. I mean if... and I kind of view... again, outside of the phrase non-essential uses which I think I'm well documented as being opposed to, but the particular things of washing down driveways and washing off of buildings with the exception, we should be using brooms and leaf blowers. We shouldn't really switch now from a prohibition to a limit. I don't think we've reached that point yet. To me, there's no reason to be washing down your driveway in an emergency drought situation if you can take out a broom or a leaf blower and do it. Now, you've created the exception for painting. And, I guess my feeling is, I'd like to see instead of that, request the public to limit the use, is still keep that a prohibition. I guess I throw that out for discussion to the Board.

COUNCILMAN DAVIS: I don't have a problem with that. And, I'm going to be the wicked witch from the east or the west or wherever she comes from again. Bruce, we've discussed this, you know where I'm coming from on this. We're only at 54 percent at the reservoir... 54 percent level. That's still very, very serious. This drought is not over. It has... we apparently have a long way to go before that reservoir is back up. It's not going to happen in the next week I don't think or at least in the next 2 weeks. And, I've been a proponent of conservation for a long time. I've nagged you about this.

I've felt that we needed to have stricter restrictions in past summers than we've had. As we've gone into this drought, even though it's been gradual, and because of the seriousness of this whole situation and the need for us to continuously conserve water. It's a precious, precious, precious thing. We may have 2 million gallons available to us and, Dan, I appreciate the fact that the City is willing to offer it to us but just because it is offered and because it's there, I don't think that means that we have to use it. Conservation means conservation, it doesn't mean that you use every single thing that you have available to you. And, the 2 million gallons, even though they're available, does not mean that we need to use them. I don't see that we should change what we have put into place.

I think the community is willing to work with us. I think the community has been very responsive. I know that new homeowners are frustrated but there are things that they can do. There are procedures that they can follow and I'm sorry that the gentleman who came and... you know... the suggestion about mulch was made and his answer was well, we're told that if we mulch it, then we'll get weeds and then we don't have an ultimate lawn. Well, I don't have an ultimate lawn now and I've lived in my house for a long, long time. And, I don't think we ever will have an ultimate lawn. I don't think we need to have ultimate lawns, not when we have a drought. I think we need to consider what the water is used for and I'm sorry but I can't support changing what we have in place now. And, if the Board does approve what you've recommended. I respect them but if they do, what I'll request is that we have a weekly or every other week report from you to find out exactly what the status is so if we get in trouble again and if there's a problem with the easing on these restrictions, that we can go back to what we had. I'm very serious about that. I think that that needs to be done.

MR. SECOR: And, in the DEC permit, there is a monthly reporting on a number of issues similar to that.

COUNCILMAN DAVIS: I don't think... I don't think the month is soon enough.

MR. SECOR: But, you know, we certainly, we can do that. I get reports at least twice a week, written reports and I'm up at the plant at least once a week so on a daily basis I am updated and I can certainly make those available to the Board.

COUNCILMAN DAVIS: We have never been in this situation before. We have never had to have these restrictions in place before because we have never faced this serious a problem before and before we lift these limitations, these restrictions, I think we need to see that the whole situation out there with mother nature helping us gets better. The City of Albany doesn't have any guarantees either, nor does Guilderland.

COUNCILMAN PLUMMER: The City of Albany is at 71 percent capacity right now. Both the Mayor and Commissioner Cross has said that they are willing to sell us more water if we need it. We asked the City of Albany probably a month ago now when we were in a bad situation to sell us 2 million gallons a day. They agreed to do it.

COUNCILMAN DAVIS: And, I appreciate that. I do appreciate that, Dan, but just because they are willing to sell it to us, does not mean that we have to use it. It's not necessary.

COUNCILMAN PLUMMER: Well, I would give the residents that opportunity and leave it up to them. If they want to use it, they pay for it, if they don't they don't have to. But, if the water is there, why not let them use it on the strictest measures we've ever had in the Town. That's my view.

COUNCILMAN DAVIS: Well, I guess we just disagree. It's just the principle that we disagree on and I respect your opinion but I can't... I can't in good conscience I cannot support this. I've been consistent here. You know that, Bruce.

MR. SECOR: Sure.

COUNCILMAN DAVIS: I've been consistent since before Dan was on the Board.

COUNCILMAN LENHARDT: I happen to concur with Mr. Plummer in... if we have the ability to ease some of the restrictions on the owners. The fact that the rates for use of this water they will see in their bills and I think that will be a tremendous conservation measure in itself when they get their next bill.

Just a comment on the swimming pool and this is... maybe this is too late but a resident in Town told me last week that they opened their pool – I assume it is an above ground pool but I'm not certain – 2 to 3 weeks earlier this year. Took advantage of the fact that it was raining during the month of April and their pool is full without having to use anything but mother nature. I notice there are other pools in Town that are still covered.

SUPERVISOR FULLER: Well, hopefully, the people that have opened their pools have used mother nature and have not had to pay companies to come in here to fill their pool because that is a concern that I have when we're changing restrictions midstream but I do think the new pools they need to still continue having it trucked in from a private source to fill swimming pools.

We can... I need to know where we are on the underground sprinklers.

COUNCILMAN MARCELLE: Well, let me... Can I make a couple motions, maybe we find out where we are?

SUPERVISOR FULLER: Sure.

COUNCILMAN MARCELLE: On a couple issues I think I care about. I would first move for this resolution that after the enumerated paragraph starting with 'and

it be further resolved that' that paragraph prior to the next 'and be it further resolved that' be stricken from this resolution.

SUPERVISOR FULLER: I am already confused.

COUNCILMAN MARCELLE: Okay. All I'm suggesting is we...

MR. SECOR: This is what is in force right now.

COUNCILMAN MARCELLE: In other words, currently we have in force now the Town of Bethlehem prohibits the use of public water supply for non-essential uses such as but not limited to no washing of driveways or walkways, no washing of the exterior of buildings...

SUPERVISOR FULLER: Can I interrupt for one second?

COUNCILMAN MARCELLE: Yes.

SUPERVISOR FULLER: Can I suggest that we... if you want to continue with that, we just keep the word prohibit.

COUNCILMAN MARCELLE: That's... that's fine.

SUPERVISOR FULLER: Then that would cut right through all the other stuff you were trying to help me with.

COUNCILMAN MARCELLE: I think that that will be fine.

SUPERVISOR FULLER: Prohibit the use of public water supply for... we're not going...

COUNCILMAN MARCELLE: Oh, well, I won't argue that point again.

SUPERVISOR FULLER: ...to request it.

COUNCILMAN MARCELLE: Although, please note my distain for that term but...

COUNCILMAN PLUMMER: So, you're going to have that replaced yes?

SUPERVISOR FULLER: We are removing request and changing it to prohibits... we're keeping it...

COUNCILMAN MARCELLE: Prohibits.

COUNCILMAN DAVIS: Prohibits the use of...

SUPERVISOR FULLER: Right.

COUNCILMAN DAVIS: Okay.

COUNCILMAN PLUMMER: Right here.

COUNCILMAN MARCELLE: Yes, the Town prohibits...

COUNCILMAN DAVIS: The use of...

SUPERVISOR FULLER: It's just as it is on our water use restrictions, we are not changing this one at all.

COUNCILMAN PLUMMER: Okay.

SUPERVISOR FULLER: Okay.

COUNCILMAN MARCELLE: That's my motion.

SUPERVISOR FULLER: Okay. May I have a motion to approve... are you doing 1 through 4 at the same time or are you doing on the 'further resolved'?

COUNCILMAN MARCELLE: No, only this one... this one paragraph. Yes.

SUPERVISOR FULLER: Okay. We had the motion. I need a second.

COUNCILMAN LENHARDT: I'll second that.

SUPERVISOR FULLER: All those in favor?

AYE: All.

OPPOSED: None.

SUPERVISOR FULLER: Motion carried.

COUNCILMAN MARCELLE: I want to ask about this one... now can I ask about this?

COUNCILMAN DAVIS: Now that was just on that one paragraph.

SUPERVISOR FULLER: Yes.

COUNCILMAN MARCELLE: I know people may feel different between that paragraph and my suggestion on the water sprinklers. I wanted to segregate the 2.

I guess I would amend paragraph 4 to read new underground sprinkler systems to be installed in 2002 unless permit for system was issued prior to declaration of emergency in January this year will not be able to be used until emergency restrictions are lifted.

SUPERVISOR FULLER: Go back to the beginning where you started.

COUNCILMAN MARCELLE: Yes, I'm just striking the word no out of the beginning.

SUPERVISOR FULLER: Okay, so...

COUNCILMAN MARCELLE: So, my proposal is to start with 'new underground sprinkler systems'...

SUPERVISOR FULLER: To be installed...

COUNCILMAN MARCELLE: ...to be installed in 2002 unless – and I guess it should be – the permit for the system was issued prior to the declaration of emergency in January this year. And, this is new to this paragraph – will not be able to be used until emergency restrictions are lifted. So, basically, allows the installation but not the use of new sprinkler systems so people who put in lawns do not have to dig them up next year.

SUPERVISOR FULLER: I just want to make sure I understand them. So, this is to permit anyone who wants an underground sprinkler system to be installed, they are welcome to come ahead and do that but they cannot use them.

COUNCILMAN MARCELLE: They can't use them. You can install them but not use them.

TOWN ATTORNEY ALESSI: Let me ask a few clarifying questions on that

because the way it is presently worded is not clear to me. The future intent to be installed in 2002... what is your intention for a date? Do you want a more specific date – is it from tonight forward? People... do you want to capture people that are before tonight?

COUNCILMAN MARCELLE: No, I think I want to just mirror this language. What it is saying if you are installing a sprinkler system this year unless you are under what the engineer said, unless you permitted pre-dated the restrictions in January this year, so you already had your permit and you were promised you could put them in and use them... so excluding that category of people, anyone who installs a sprinkler system in 2002 can put them in but they can't use them. That's the intent of the amendment.

TOWN ATTORNEY ALESSI: So, you want to get rid of 2B as I'm understanding your intent.

COUNCILMAN MARCELLE: Yes. If you can put installed, I guess, with that.

TOWN ATTORNEY ALESSI: Because that would, I think, it would clarify what you want it to be.

COUNCILMAN MARCELLE: Yes, absolutely.

TOWN ATTORNEY ALESSI: All right. Thank you.

SUPERVISOR FULLER: Okay. Is there a second to Tom's motion? Do you need the motion repeated?

COUNCILMAN PLUMMER: Let me just understand for sure. Does this... your language states... or your intent stays in tact. He is capturing another group of individuals?

COUNCILMAN MARCELLE: That's correct.

COUNCILMAN PLUMMER: Okay. I'll second the motion.

SUPERVISOR FULLER: All those in favor?

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

Noes: Mrs. Davis.

Now, that is... everyone can have their in-ground sprinkler system but they may not use it.

COUNCILMAN PLUMMER: Well, that's not...

SUPERVISOR FULLER: That's what we just did.

COUNCILMAN PLUMMER: No, he's talking about the new ones. Those that have a permit...

COUNCILMAN MARCELLE: New installations.

COUNCILMAN PLUMMER: Those that have a permit from prior to 2002.

SUPERVISOR FULLER: Before we declared the emergency.

COUNCILMAN PLUMMER: right. They can install, They can use the water.

SUPERVISOR FULLER: If they had the permit prior.

COUNCILMAN PLUMMER: Yes.

SUPERVISOR FULLER: The motion is from this day forward anyone and everyone can have their sprinkler system but they may not use them.

COUNCILMAN MARCELLE: Lucky we have a lawyer. Madam, Supervisor, I would at this time I would move that we adopt the resolution as amended.

COUNCILMAN PLUMMER: Second.

SUPERVISOR FULLER: All those in favor.

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

Noes: Mrs. Davis.

SUPERVISOR FULLER: Okay and Bruce, to follow-up on Doris's suggestion, every 2 weeks. And, we need to have a report and it's not necessary report at a Board meeting. Get it in writing, get it out to us so that we can keep track of this every 2 weeks. And, these restrictions, while... have been given a little bit of... we've relaxed them somewhat, we cannot guarantee that they will not be back in place if, in fact, we find the level of the reservoir or problems with the water supply are back here again. So, are we now going to send another one of these out to our community?

MR. SECOR: We'll have a new... the back will stay the same because those are just conservation tips and water conservation facts. We will reprint the front with what was passed tonight.

SUPERVISOR FULLER: You're going to have to reprint the back too. Clean driveway, walkways with broom. Do not use your hose. Wash windows with cloths, not hose. Eliminate car and truck washing.

MR. SECOR: But, we kept all that.

SUPERVISOR FULLER: I think what we need to do is deal with restrictions only because the back... some people are thinking these are laws here and there's getting to be too much confusion on it. Maybe the water consumption facts is a good thing to have on the back only.

MR. SECOR: Okay.

SUPERVISOR FULLER: So that the average person will know how much water they are using.

MR. SECOR: Okay.

COUNCILMAN MARCELLE: I just want to say one other thing because... I guess I was remiss for saying it, so I apologize but I like to thank Mr. Alessi and Mr. Secor for getting that permit so promptly from DEC. I know how tough the State and Federal government can be with these regulations, how onerous it can be and this was truly an emergency and you are to be commended for your hard work and swift resolution in getting this accomplished.

SUPERVISOR FULLER: Thank you.

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The Supervisor asked if anyone in the audience wished to address the Board. Mrs. Marie Capone, resident, said instead of encouraging sprinklers, why The Board didn't encourage people to drill their own well and have a card in the window like other people. Supervisor Fuller noted some individuals have done that in recent months. Mrs. Capone said if you encourage them to have their own well, they can have their all their water. Supervisor Fuller agreed.

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Councilman Lenhardt said during his campaign he spoke to many, many residents along Cherry Avenue and Elm Avenue up to the bypass – noting he would like the Town to come back and convince him otherwise -- about restricting truck traffic and seeing that the County is going to make that more open and even though there are speed limits there for 30 miles an hour, he feels the trucks will not be obeying it. He said he researched that particular section of the highway and the laws regarding that and this Board does have the authority, in his estimation, to restrict truck traffic in that particular section. He said he has even spoke with a former DOT attorney about this and he concurs. He said he followed a few of the car carriers and one truck from Cherry Avenue over to exit 24 or entrance 24 of the Thruway. He said it is being used as a shortcut to get to the Thruway instead of going down Route 32 to exit 23 or entrance 23 and getting on the Thruway. He said he would like the Board and whatever appropriate department in Town to consider something of a truck restriction for local use. He said he did not know what kind of wording would be appropriate or to come back and convince him that he is crazy. He thanked the Board.

Supervisor Fuller said Councilman Lenhardt was not crazy and she thinks the entire Town of Bethlehem would benefit from the suggestion. Councilman Lenhardt said there is potential but he does not know what it is that the trucks could be diverted to some other area just creating the same situation. He said he is open to comments.

Mrs. Marie Capone said it is because they have to pay the Thruway between 23 and 24. Councilman Lenhardt said that is not an excuse to him. Mrs. Capone said they pass in front of her house, noting they have been passing for the last 40 years. Councilman Lenhardt noted it is a State highway.

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Mr. Robert Samsel, resident, said he had 2 questions. He asked if there was any punishment or fine for people violating the water restrictions we have? Town Attorney Alessi said there were. Mr. Samsel asked what they are. Town Attorney Alessi said he does not know them off the top of his head, the Assistant Town Attorneys assigned to Town Court do. He said it is like \$100 and subject to a misdemeanor, rough ballpark. He said what they have also done is made sure that whomever would issue the information ticket for the violation, that those were of a type that would have integrity, namely filled out properly such that they would be held up in Town Court.

Mr. Samsel said he disagrees with Mrs. Fuller's remark about how wonderful the Town is in obeying all these restrictions. He said not in his neighborhood. He said there is one neighbor who installed a new lawn and the owner's wife is out there watering the lawn in the evening. Supervisor Fuller noted the neighbors did not call in and report this. Mr. Samsel noted nobody wants to be the snitch.

Supervisor Fuller noted there are people calling in and they send the Public Works employees to the house. She noted the name of the snitch is not released in most cases. Mr. Samsel noted there are many Town employees who pass through this area. Supervisor Fuller thanked Mr. Samsel.

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Mr. Robert Hussar noted he was the gentleman referred to I regard to the watering of lawns. Councilman Davis noted she knew his was and said she remembered his comment. Mr. Hussar said his comment was more to the effect that they asked if there was anything that you could do. He said it is not that builders want to regularly spend more money and do it. He said it is not just looking for the perfect lawn, he said neither of them have the perfect lawn when he gets a lawn but he will have a lawn where his children can play and his dog can go outside without getting muddy all the time. He said he appreciated the conservation efforts but at the same time, they would like to go out and have a barbeque in the backyard without sand blowing in their face.

Councilman Davis said she appreciates that and said as she suggested, isn't there some way that mulching can be done or some other measure that would take care of that. She said she knows there might be weeds for now but those weeds can be taken care of later when we do have the water to do it. She said she respects and appreciates his problem. She said she has driven through the neighborhood several times and seen some of the lawns. She said in many cases, there has been no grading or effort to do anything. She said they are all just rough. She said they are open and they are exposed to any kind of erosion that can occur. She said that should not be there. She said that can be taken care of.

Mr. Hussar said with a tremendous amount of mulch if that's the way... or gravel or whatever – not without expense. Councilman Davis said she would rather have a tremendous amount of mulch than a tremendous amount of water. Mr. Hussar said the builder would have to be convinced of that.

Mr. Hussar said more of a question to the Board or Mr. Secor if he could come back and give information of how many sprinkler applications there are and how many pool applications have been made and what the amount of difference is in the amount of water that would be used. He said it does seem like there would be some sort of inequity. He asked how it can be said to one resident you are allowed to enjoy a pool just because you had it installed just a month or two or a year earlier. He said understanding that the line has to be drawn somewhere but if it is a minimal amount of difference in the water consumption, asking why we would draw that line. He said he did not know if he could request that information. Councilman Lenhardt said that would be an interesting statistic.

Supervisor Fuller said the average person uses 110 gallons of water a day because she is reading it off her consumption sheet. She said she quickly looked to see if she had the answer to the question but she did not.

Resident, Marie Capone, said she sees a lot of huge, silver trucks with the letters red, water trucks, pass by her house. She said somebody is buying water.

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Councilman Lenhardt said one thing, not wanting it to sound like he is negative to all the truck drivers because I have also witnessed a number of trucks that come up Route 32 and turn down the bypass heading for Route 9W also. He said he just happened to follow the ones that go over Cherry Avenue when he happens to be going in that direction and it's a little bit out of the way. But, he wanted to confirm what people were telling him and noted it was true. Supervisor Fuller said people are absolutely right and the residents on Maple Avenue in Selkirk can certainly tell you plenty about truck traffic. Councilman Lenhardt noted that is a State highway and the Board does not have any authority there.

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Supervisor Fuller asked if anyone else wished to address the Board.

RESIDENT: Can I just ask? I am one of the people who would have a lawn and we have dirt right now. And, my question is if in the future after you get their reports every 2 weeks or so, if you do have to be change it, from now until that time we would have about a month, we would be able to water every other day and hopefully get some roots started. Would you consider for people who have put in new lawns to maybe let us at least get it established when you take away the fact that other people can't water their lawns? You understand what I'm saying. So we haven't spent the money to plant a lawn for this whole month and then you take it away and we've lost the lawn.

SUPERVISOR FULLER: I would hope with the Town Board being in the position this evening to change these restrictions, these are going to last for a long time. But, I want to be sure they are going to last a long time. That's why...

RESIDENT: Well, I just wanted to especially, you know, talk about the people who don't have lawns at all and you really are concerned about getting it established.

TOWN ATTORNEY ALESSI: If I could add to the discussion, I don't know how many of the residents have actually read the permit conditions on either the emergency authorization we got or the 18 month permit we just got. And, I think you would be well versed to get a hold of that and take a look at what has been required of us by the DEC and I draw particular attention to those who have not or have read it with perhaps rosier glasses than are appropriate.

COUNCILMAN DAVIS: Right.

TOWN ATTORNEY ALESSI: In paragraph 10 of special conditions says 'the Town shall implement the following demand reduction water conservation measures throughout the duration of this permit. Contact water customers and industrial users to request water conservation' and it goes on 'add and maintain information on the Town website and public access channel including but not limited to water conservation, daily water supply consumption rates and available water supply reserves. Notify fire departments that use of fire hydrants shall be limited to emergencies only'. These... in addition, number 11 says 'the Town shall submit conservation progress reports which summarize the progress of the water conservation and reduction measures to the Department on the first of each month. These reports shall contain water used, water reserves available, and water use reduction achieved'.

We have attention here between the desires of people, who understandably want to have their residences in a certain condition versus a law. This permit condition is a law and a violation of this is a violation of the Environmental Conservation law. So, we have to be very careful. It is not merely a decision of this Board on what it can do and what it cannot do. And, as Mr. Secor indicated, one of the very key aspects of us being able to provide drinking water to the community, is the ability to maintain this permit and I think we have to keep in mind that we do have those obligations. I think the Board is doing a very good job of trying to strike a balance. But, I think also, it is important for the public to know that this Board is not totally within its own discretion to do that which the public may be asking it to do.

So, I wanted to point that out and I did encourage people to read this permit and take into consideration what is imposed on the Town by State law.

COUNCILMAN DAVIS: And, how significant that permit is.

MR. HUSSAR: I want to start by thanking the Board for approving the new ones, I neglected to do so last time. But, I did have a question. At the last Town Board meeting a question arose that would the DEC permit the lifting of the restrictions and allow us to water lawns and I'm not sure... I didn't hear an answer to that tonight. Did anyone research that and get an answer from DEC if that would violate it... the permit conditions? I, being one, who has not read as you suggest, hopefully you, the attorney, could answer that.

SUPERVISOR FULLER: Do you wish to answer the question?

TOWN ATTORNEY ALESSI: I provided the amount of information that, you know, for the public. I've provided the permit. I encouraged people to go take a look at the permit. It is a plain language document and you can address that by reading the document.

MR. HUSSAR: I guess that does answer my question. My question was, as the Board was charged to go to DEC and ask them directly whether lifting the restriction would violate any of their permit conditions. That came up, specifically, 2 weeks ago.

COUNCILMAN PLUMMER: That may have been when I was talking.

MR. HUSSAR: Yes, it was.

COUNCILMAN PLUMMER: I mean, there was that possibility and that prospect. My understanding is that it was not brought directly to the DEC because the review was just on the 18 month permit and the need to make that permanent. And, to bring any other issues into that mix at the time, could have hurt our ability to get the 18 month permit. So, it was not discussed. Now that the 18 month permit is in tact, from my reading of it, it seems as though it is somewhat discretionary. It doesn't say you cannot do this or cannot do that. I would make the argument that what we've done tonight is still the strictest conservation measures we've had in the history of this Town and, therefore, it would be in compliance with what DEC did with the permit.

TOWN ATTORNEY ALESSI: And, there is no charge...

COUNCILMAN PLUMMER: There is not a yes or no to your answer.

TOWN ATTORNEY ALESSI: And, there is no charge that I am aware of for anybody on that issue. The question that the issue was raised but there is no charge that I am aware of.

MR. HUSSAR: I thought Mr. Plummer did ask if that could be looked into and then answered this week. Maybe I .....

SUPERVISOR FULLER: I think the most important issue is that we have to conserve water. You know that the water is limited and you know what is important. The opportunity to have your new lawn is needed in your area and you feel it is a necessity and the Town has offered that you are able to do that.

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Supervisor Fuller asked if anyone else wished to address the Board. There was no one.

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The Supervisor asked for a motion to adjourn to Executive Session to discuss police negotiations.

The motion was made by Mr. Lenhardt and seconded by Mrs. Davis to approve adjourning to Executive Session to discuss police negotiations. The motion was passed by the following vote:

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

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The motion was made by Mrs. Davis and seconded by Mr. Marcelle to adjourn the regular Town Board meeting at 8:55 p.m. The motion was carried by the following vote:

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

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Town Clerk

EXECUTIVE SESSION

There was no formal action taken at the Executive Session.