

TOWN BOARD
MAY 26, 2004

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 Supervisor called the meeting to order at 5:30 p.m.

PRESENT: Theresa Egan, Supervisor
Daniel Plummer, Councilman
George Lenhardt, Councilman
Tim Gordon, Councilman
Catherine T. Picarazzi, Deputy Town Clerk
James T. Potter, Esq., Town Attorney

ABSENT: Thomas Marcelle, Councilman

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

The Supervisor said in regard to protocol and how the meetings are held. She said the issue of public comment regarding items on the agenda and therefore starting with this meeting, public comment will be taken on agenda items first and asked that the comments be restricted to 3 minutes so the meeting can proceed. She said she would open the meeting to comments at the end of the meeting for anything that is not on the agenda.

Supervisor Egan asked if anyone had any comment on agenda items. Mrs. Capone said the previous administration 2 days before the Town Board meeting the agenda was posted on the hall so they knew what was coming up. Supervisor Egan said she knows it is on the website and noted it is normally on the hall board.

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The first item on the agenda was to approve the Town Board minutes of May 12, 2004.

Motion was made by Mr. Plummer and second by Mr. Lenhardt to approve the Town Board minutes of May 12, 2004 as submitted. The motion was passed by the following votes:

Ayes: Ms. Egan, Mr. Plummer, Mr. Lenhardt, Mr. Gordon
Noes: None.
Absent: Mr. Marcelle

The following item was a request from Building Inspector, Mark Platel, for the approval of a dumping permit for 1319 New Scotland Rd, Slingerlands.

The motion was made by Mr. Plummer and second by Mr. Gordon to approve the dumping permit for Constantine Kontogiannis, AGK Properties, Inc. Delmar for 1319 New Scotland Rd, Slingerlands. The motion was carried by the following votes:

Ayes: Ms. Egan, Mr. Plummer, Mr. Lenhardt, Mr. Gordon
Noes: None.
Absent: Mr. Marcelle

The next agenda 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. Lenhardt and seconded by Mr. Plummer to approve the appointment of seasonal personnel at the titles and salaries indicated on

the list dated May 26, 2004 as requested by Nan Lanahan, Administrator, Parks and Recreation Department. The motion was carried by the following votes:

Ayes: Ms. Egan, Mr. Plummer, Mr. Lenhardt, Mr. Gordon
Noes: None.
Absent: Mr. Marcelle

The next item was a request from George Leveille, Commissioner of Public Works, to approve the resolution for water restrictions, which shall prohibit the use of water for sprinkling of lawns, shrubs and gardens between the hours of 10:00 a.m. to 2:00 p.m.

Councilman Plummer stated in the past this has applied to residential and not to commercial. He asked Mr. Leveille if that was changing. Mr. Leveille said this will remain the same, there is no change.

The motion was made by Mr. Plummer and seconded by Mr. Gordon to approve the following resolution for water restrictions:

WHEREAS: the Town Board of the Town of Bethlehem adopted on March 10, 1978, an ordinance to conserve and protect the water supply of the Town, and

WHEREAS: New York State Department of Environmental Conservation has required the Town of Bethlehem to file a water conservation plan and establish water conservation measures it is necessary to establish restrictions for non-essential use of the public water supply,

NOW, THEREFORE, BE IT RESOLVED, that effective May 26, 2004, the use of the public water supply for sprinkling lawns, shrubs and gardens (and similar such uses) shall be limited as follows:

Water use will be prohibited between the hours of
10:00 a.m. – 2:00 p.m.

“Private Well” signs are available from the Water District No. 1 Office at Bethlehem Town Hall, 445 Delaware Avenue, Delmar, for those houses with a private water supply.

Private Well signs must be readable from the roadway and all faucets must be labeled permanently.

Any persons violating any of the provisions of the town of Bethlehem Water Conservation Ordinance shall be guilty of a misdemeanor and, upon conviction thereof, be punishable by a fine not exceeding fifty (50) dollars,

And be it further resolved that

Water District #1 prepares a proclamation for publication and posting it in accordance with the requirements of the aforementioned ordinance.

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

Ayes: Ms. Egan, Mr. Plummer, Mr. Lenhardt, Mr. Gordon
Noes: None.
Absent: Mr. Marcelle

The following item was a request from Gregg Sagendorph, Highway Superintendent, for approval to re-award the bid for topsoil to be used by various departments within the Town to Peter Frueh Excavating, Feura Bush, NY through February 28, 2005. Carver Sand and Gravel was the previous company awarded the topsoil bid but was rescinded because they were unable to meet the requirements of the specifications, according to Mr. Sagendorph, Highway Superintendent.

The motion was made by Mr. Lenhardt and seconded by Mr. Plummer to re-award the bid for topsoil to Peter K. Frueh Excavating, Feura Bush, NY through February 28, 2005 at the awarded bid price of \$9.00 per cubic yard. The motion was carried by the following votes:

Ayes: Ms. Egan, Mr. Plummer, Mr. Lenhardt, Mr. Gordon
Noes: None.

Absent: Mr. Marcelle

The following item was a public presentation and to allow for public comments on the Town's SWMP and Annual Report prepared for our NYSDEC GP-02-02 permit compliance. This is a required measure for the NYSDEC permit. A draft of the report is available for prior review in the Town Clerks Office. Mr. Randy Passman, Senior Engineer, Department of Public Works, indicated in March of last year the Town filed a permit application to NYS Department of Environmental Conservation to obtain coverage as a municipal separate storm sewer system under their Phase 2, Storm Water Program. He said the permit is called GP-02-02 and there are number of measures that have to be achieved by the Town over the first 5 year cycle of the permit which ends in June 2008.

Mr. Passman noted June 1st of this year, the Town's first annual report is due to be submitted to DEC and one of the requirements to be achieved is to have a draft of the report available for public review and comment prior to submitting it to DEC and incorporating any public comments. He said this is notification to meet some of the requirements, which are to make public the information – the placing of the report on the agenda of a regular Town Board meeting, the opportunity for public comment, the date and time of the meeting and the availability of the draft report for prior review. He said there needs to be a summary of any comments and intended responses in the report and make the final report available for public inspection.

Mr. Passman said the report is 15 pages and reviewed some of the report information. He said there are 6 minimum control measures that need to be achieved by the Town over the 5 year permit cycle. He said they are public education and outreach; public involvement and participation; detection and elimination of illicit discharges; control of runoff from construction sites of 1 acre or more; control of post construction runoff; and pollution prevention and good housekeeping. He said in the annual report each item is gone through in detail and some of what has been achieved is stated.

Mr. Passman said the documents are evolving due to this being a new program with DEC. He said the guidelines the designers have to use have some unanswered questions and room for interpretation in them. He said they have put a big effort forward to coordinate with DEC and the developers to see that the designs are Phase 2 compliant where they need to be.

Mr. Passman said in the next 3 or 4 years, the other Town departments will be much more involved in the process. He said by the end of the 5th year, the Town needs to have adopted a local law or ordinance that will give the Town enforcement capability for the Phase 2 permit system. He stated basically over the first 5 years the municipal separate storm sewer systems such as ours are being tasked with taking over responsibility for administering this permit program. He said as that evolves the Board will be more involved with the process.

Mr. Passman noted the draft documents are available for review in the Town Clerk's office and will be for a few more days if anyone has any comments.

Supervisor Egan asked if there were any questions from the Board. There were none. The Supervisor added having been involved with the DEC meeting with Mr. Passman and Mr. Cirillo and others; she wished to thank Mr. Passman for being involved as he is. She said Mr. Passman is helping DEC form the regulations because apparently they are having problems establishing these also.

Supervisor Egan thanked Mr. Passman.

The next item was a request from Louis Corsi, Chief of Police, to authorize the acceptance of a donation in the amount of \$5,208.50 made to the Police Department by Selkirk Cogen Partners, L.P. Supervisor Egan said this donation

was made to help offset costs associated with the purchase of two automatic external defibrillators.

The motion was made by Mr. Plummer and seconded by Mr. Lenhardt to authorize the acceptance of a donation in the amount of \$5,208.50 made to the Police Department by Selkirk Cogen Partners, L.P., Selkirk, NY. The motion was carried by the following votes:

Ayes: Ms. Egan, Mr. Plummer, Mr. Lenhardt, Mr. Gordon
Noes: None.
Absent: Mr. Marcelle

The following agenda item was a request from Lou Corsi, Chief of Police, to authorize a budget modification to increase the gifts and donations revenue line item and to increase the police 23-02 equipment line item in the amount of \$5,208.50.

The motion was made by Mr. Plummer and seconded by Mr. Lenhardt to authorize a budget modification to increase the gifts and donations revenue line item and to increase the police 23-02 equipment line item in the amount of \$5,208.50. The motion was carried by the following votes:

Ayes: Ms. Egan, Mr. Plummer, Mr. Lenhardt, Mr. Gordon
Noes: None.
Absent: Mr. Marcelle

The next item on the agenda was an update from O'Brien and Gere on water/sewer improvements. The Supervisor noted they have a summary and update for the Board. She said the improvements were approved last June.

MR. FULSESKI: Good evening, I'm Mike Fulseski with O'Brien and Gere Engineers and with me this evening are Rick Gell and Steve Delano. We're here to give you an update on the water system improvement project. I thought I'd start first by giving kind of a history... a brief history of the project for particularly some of the new Board Members. Back in the spring of 2002 the Town sent out RFQs, requests for qualifications, to engineering firms to do a long range water supply study for the Town of Bethlehem. O'Brien and Gere responded to that and after interviews with the Town and other engineering firms, we were selected to do the long range study. We started that in about August of 2002 and worked through the winter and spring of 2003 presenting a report to the Board, I believe, last April. In that report, what that 12 different options for long range water planning issues for the Town. Some of those were, obviously, more advantageous to the Town than others and we recommended and the Town adopted a program whereby the Town would purchase finished water from the City of Albany and also expand and update the New Salem Road water treatment plant.

After the study was adopted by the Town, we were authorized to do a map, plan and report in May of last year that went to a public hearing, I believe, in July and in August the Town Board adopted a 13.2 million dollar project to move forward with that expansion of the New Salem Road water treatment plant and other work that went along with that project. And, after that was adopted, the Town signed a long term agreement with the City of Albany to purchase up to 2 ½ million gallons of water a day and O'Brien and Gere was authorized to proceed with the next phase of the project which was to do a preliminary design and design development report.

We started that last October and we've been meeting with the Town on a monthly basis to try to come up with a more specific project scope and cost to move forward with this project to actually update the New Salem plant, expand it to a capacity of 10 million gallons a day and also to build some additional transmission mains which would allow the Town to bring more water in from the New Salem plant into the residential area. And, I believe, all of you received last week a copy of the executive summary of that report and hopefully you've had a chance to read it.

And, we can do... we could go through that report if you would like and point out the highlights and talk about some of the issues that have come up that we hopefully have resolved with the Town or we could just go into a question and answer session. So, I'll leave it up to the Board, what you would like. If you would like us to spend maybe 5 to 10 minutes going over the executive summary or if you want just go right to the questions.

COUNCILMAN GORDON: Highlights might be useful for the people in the audience.

MR. FULSESKI: Okay, great. Rick will cover the highlights and then we'll be happy to answer any questions.

MR. Gell: Just very briefly, the primary objectives of the water treatment plant upgrades were to increase the treatment capacity to deal with the situation where can't process enough water through the existing plant particularly during a drought condition, can't get the water through the plant. To address aging infrastructure issues with the use... pieces of equipment in the plant that have outdated useful life, and also to address general building issues associated with things like the roof, heating systems, electrical systems like that. Install current instrumentation to control the process of treating the water at the plant, and as Mike said, construct transmission mains from the plant to Fisher Boulevard to convey the water to the Town and construct a storage tank adjacent to the existing 5.7 – 5 million gallon reservoir to improve the reliability of the system and particularly in emergency situations.

We spent a great deal of time in the design development phase working very closely with the Town staff trying to define, clarify, expand the definition of what the right project scope is and what are the costs associated with that project. In general, what was evolved is a shift in approach from taking several of the budget items that were previously anticipated to be addressed through ongoing maintenance programs and recognizing that it would be more efficient and, hopefully, more proactive to deal with some of those issues under this project rather than keep them in operating and maintenance budget. Specifically they would include the rehabilitation of clarifier's number 3 and 4 that was an ongoing program that was anticipated be done outside of this project. It couldn't be accomplished. We had put the clarifiers back in service before they could be done independently. We now have another opportunity when we are going to be able to have half the plant out of service. We could build this into this program and we believe it can be done more efficiently than if it was done separately. High service pumps – the existing high service pumps currently have been... they are serviceable condition today but they are approaching the end of their useful life and, historically, they have been addressed on a piece of equipment by piece of equipment basis and, again, due to the scope and the magnitude of this project, we felt it would be better to incorporate that work into this overall plant upgrade.

The New Scotland booster pumping station... this is kind of a unique situation where it's always a challenge between how much detail you get into in the very early stages of a project, versus, how much effort and expense you spend studying all the plans and specifications for prior work. In this case, we identified after the budget had been established that there was a preexisting substandard condition at that facility where the pipeline elevation between the plant and the tank is so high that we can't maintain the pressures recommended by New York State Department of Health. So once that issue was identified, we recognized that it had to be addressed and it was best to be addressed under this project.

Major valves and interior piping replacement – Again, a situation where we originally anticipated that we could deal with a limited number of valve replacements and an ongoing operation and maintenance program... got down to the details of just how many valves would be best replaced, we were in a situation where we would end up with a finished plant upgrade that would address probably 90 percent of the issues and still leave 10 percent of the issues unresolved. Again, more difficult to deal with those at a later date.

Another item that came up during the design development was an issue relative to the transmission main between the 5.75 million gallon reservoir and the Fisher Boulevard. And, through a variety of issues no easy way to say this but we flat out missed this. We made a mistake and we had anticipated that the pipeline had to get from the tank to Fisher Boulevard but we... and it was shown in the map, plan and report to convey that but the budget that was established didn't really include all of the costs that belonged in it to cover that issue.

And, lastly, the project has really been impacted by a tremendous fluctuation in steel prices in the last 3 to 6 months that really was not... nobody had anticipated at the time the budget was prepared. So, the collective sum of issues resulted in a current estimate budget requirement of about 17 million dollars to cover the full scope of what was originally planned... at least the project objectives of what was originally planned. The good side of that issue is that the water rate impact that was projected for this project was based on an anticipated cash payment to the City of Albany of 2.9 million. So that that softens the total net impact to the rate issue but the actual construction cost is significantly higher than originally anticipated.

COUNCILMAN PLUMMER: Excuse me; I didn't think that 2.9 was ever part of the 13.3 million. How do you factor that in? That was negotiations with the City at the time... that... how do you come up with that?

MR. GELL: Yes, I can't do that. That wasn't part of the 13.3 but if you go back to the report, the long range report, that identified a project cost of, I think, 16.2 and that 2.9 figure was in there. So, it was part when the rates were looked it's part of the long range study. The 3 million payment was in the rate structure but it was not part of the 13.2 million dollars and the reason it wasn't part it wasn't a capital cost it was going to be a lease payment. So, it's reflected in the rate structure but it was not... it wasn't reflected and it was never intended to be in the 13.2 million dollars. And, what Rick is saying is that because it was part of the rate structure this increase that we are talking about now should have a very minimal effect on what the water rates will be for the residents of the future because there was a 3 million dollar payment that didn't have to be made.

COUNCILMAN PLUMMER: So, you're doing... that's apples for apples, you mean you are adding...

MR. GELL: No, we're not trying to say apples to apples, we're just saying that there is good news and there's bad news. The good news is that the project cost increase is in effect offset by the successful negotiations with the City of Albany.

COUNCILMAN PLUMMER: Okay.

MR. GELL: Now, I'm not trying to... not to try to mix the 2 together.

The other issue that the Board asked us to look at was whether or not there was any potential to phase the project or phase elements of the project to reduce the scope. And, we did that and there are a number of things that could be eliminated or phased. Collectively we thought that the approach that's been laid out makes more sense but it does result in cost. We could defer the rehabilitation of the clarifiers or put them in an operation/maintenance item. You could defer the expansion of the plant capacity but if you did that you really wouldn't be positioning yourselves for a reliability situation like you faced recently when you needed more capacity in the Town. We wouldn't be able to deal with the situation with the Albany interconnection was out of service.

You could again... you could again basically defer some of these things that we've put into the capital budget and address them through operation and maintenance budgets to defer the cost a little bit.

And, then on the schedule, we've kind of laid out a schedule that would allow you to proceed with the project, put yourself into the position where you could take advantage of a full construction season in 2005. Get started in 2005 and get the tank and the transmission pipeline completed. And, whether you choose to follow

through with that schedule really kind of decides on whether you want to adopt this higher project cost budget. If you do adopt the higher project budget at some point in time you'll need to go back and update the 202b hearing process to adjust that project cost increase. We're recommending you submit this draft report when it is finalized to the Department of Health, get their endorsement and then proceed with the permitting and the State Environmental Quality Review activities because those are the key lead items on this project and proceed with the design.

SUPERVISOR EGAN: I'm sure there are questions.

COUNCILMAN PLUMMER: It's 17 million, that's a little bit more than half our Town budget. So, please just be patient with me here but...

MR. GELL: Go ahead.

COUNCILMAN PLUMMER: You know that we have negotiated contract with the City of Albany. Doesn't that change any of this in any way and are you factoring in... how many gallons per day... million gallons per day are you factoring in us using from the City of Albany to arrive at your recommendations here?

MR. GELL: The recommendation as far as the plan hasn't changed from the long range planning study. We talked about upgrading the plant to 10 million gallons per day and that's still the plan... Is to upgrade the plant.

COUNCILMAN PLUMMER: Then my question is, is that using the 2 ½... it's 2.5 million gallons per day, isn't it George, that we can get from the City of Albany? Is that using that amount of water from the City of Albany?

MR. GELL: Initially we would be using less than that but ultimately we would be using all of that. There's a table on the front.

COUNCILMAN PLUMMER: Yea, I see that.

MR. GELL: And, the... I think the consideration is... as far as whether you want to use all or part of what you can buy from Albany is to what's cheaper for you. Okay, is it cheaper to buy the water from Albany or is it cheaper to produce the water yourself. And, I think that maybe remains to be seen until the plant is upgraded and you know what your costs are and how much it costs to produce water. But, we are anticipating that it's probably going to be cheaper to use your own water initially and then, again, once you get to the point where you need more water from Albany, you'll use that. But, you have a long range agreement and you can buy up to 2 ½ million gallons a day but the plant expansion hasn't changed as far as what that plant will be able to produce. And, again, just to refresh some memories, the reason it is 10 million gallons is that when you can't purchase water from Albany for whatever reason – they are down, they have a broken pipeline or whatever – you can produce what you'll need in the design year at your own plant. And, you can do that on a temporary basis over a period of a few days, up to a few weeks but you can't do that on an every day basis because the safe yield from the reservoir is only 3.4 million gallons.

COUNCILMAN PLUMMER: Yea, I understand the need to be able to make the improvements to have Vly Creek generate more than it does right now. I understand that. What I don't... I'm not clear on at all is all these additional improvements and why... what the cost effectiveness of doing those now compared to phasing some in when you... why not start with the City of Albany at a higher number now... I don't know what the difference is to the ratepayer. I mean, if you have us buying .7 million gallons per day now and doing all these improvements, how is that to the ratepayer? How does that affect the ratepayer compared to maybe buying 1.5 million from the City of Albany now and not doing the second storage tank now, which I think is at 1.2 million? You know, those are the variables that I don't have any kind of handle on.

MR. GELL: Well, and those are the types of things that we talked to Richard about and to George and reviewed those in detail over the last 6 months because that was a concern of the Board. I can't remember specifically... it may have been you who said, you know, can you phase this when we were here 9 months ago. Those are some of the things that we have looked at specifically and talked... we met with representatives of the Town monthly for the last 9 months on this. And, we evaluated those things and the Town has made the determination that the plan that is laid out here is the best plan for the Town. Again, you know going in and doing... doing the improvements to the plant now as opposed to doing some now and some 2 years from now or 5 years from now, there are some reasons not to do that. There is an economy scale, there's... equipment changes so often that if you go in there and do some of the equipment now and some later, you're going to end up with all different types of equipment and it's going to be harder to maintain and it's going to be less cost effective because you have to have spare parts, you know, for 6 different types of clarifiers, let's say, as opposed to 2 different types. We've looked at those and we've talked about specifically... you bring up the tank, we talked as recently as today about the possibility of deferring that tank. But, again, it's needed. It's needed in the system, it's needed for storage, it's needed for chlorine contact time, it's needed to allow the Town to take down the existing tri-point... I think 5 1/2 million-gallon tank out there, which has not been taken out of service since it was put up. It needs painting. So, again, we've looked at those and it had been considered.

SUPERVISOR EGAN: Mike, can I just add and Dan, I don't know if this is going to help or not because it came out of a conversation I had with the gentleman before we had the meeting. A lot of what is making up the difference in the cost, if you will of this project, has to do with basically being a little more proactive with some of the equipment and taking things out where we may have just been doing, you know, maintenance on them over the next several years or risking the fact that, you know, the pump for example, Rich, is what we talked about, you know dying out a year from now, could we maintain it, possibly, but since we've got the thing pulled apart, we know that they are aging. Does it make much sense to make these improvements now and I think that's where a lot of this is. It's being a little bit more proactive thinking, okay, they're going to be going in the next... in the very foreseeable future, should we be looking at trying to do it now, making it part of the capital costs. And, I think, the answer to that Rich was yes or just about most of it.

And, if I can talk to the tank just for a moment and it was something I was having a hard time understanding is the long range study that was done really dealt only with commercial and residential use. That with respect to our industrial customers there was a cognizant decision at the time, my understanding is that the plan was done, that those customers were basically going to be serviced by the Clapper Road plant and there was a presumption that those pumps would work appropriately and we'd be able to utilize that water to satisfy our industrial customers needs. I think what Rick referred to a little bit earlier is in the last couple of weeks we had a situation arise where we could not take any water from the Hudson. It had to do with DEC and fish spawning and things like that. So, our industrial customers then needed to be served from our residential water needs and coupled with the fact of some other issues in regard to some failing old infrastructure there was... it wasn't an emergency but there certainly was a situation where we were drawing from the current tank that we had and we were drawing it down on a fairly substantial basis. We had no good way to replenish it quickly and to get a good distribution. So, one of the things that this tank allows is for additional supplies to be sitting there, basically, ready to help in those particular situations.

COUNCILMAN PLUMMER: Okay, when you do that are we using the full amount from the City of Albany?

SUPERVISOR EGAN: We maxed out.

COUNCILMAN PLUMMER: And, in addition...

SUPERVISOR EGAN: What we bought... what did we end up doing with the City? We bought more...

MR. LEVEILLE: We bought up to 3 million gallons and we were over.

SUPERVISOR EGAN: We were over our daily...

COUNCILMAN PLUMMER: And, depleted the tank as well?

MR. LEVEILLE: Yes.

SUPERVISOR EGAN: Okay, so that is one of the issues that we see happening. And, again, that was with all good things happening with the Albany connection. If for some reason Albany had to go down, we would have been in a situation... again, not that it was dire emergency we had a lot of rain, I told them we would walk around with cups at this point but I mean it was a situation that I think we need to think about and again, it's something that we've started to talk about now, you know and get interrelating the industrial use... you know, how is that system going to interrelate with our commercial and residential system. What are we going to do if one's down, one's not which is something that wasn't contemplated... my understanding is really in the long range study.

COUNCILMAN PLUMMER: Right.

MR. GELL: That's correct.

SUPERVISOR EGAN: Was that correct?

MR. GELL: That's correct.

MR. LEVEILLE: If I could respond to Dan's question about the rates. I think this was relatively seamless to the rate payer because the rate schedule that you adopted, I believe, last year contemplated 13.3 million dollar project plus a 3 million dollar payment to the City of Albany was all factored into the development of the rate structure. So, even though there is a cost increase, at least in establishing the rates, it was based on a higher budget than just the construction budget of the project. So, it will be relatively seamless to the ratepayer under the current rate schedule and there should be no eminent need to dramatically change that.

SUPERVISOR EGAN: Additional questions? Additional questions, George? Tim?

COUNCILMAN LENHARDT: You have anything?

COUNCILMAN GORDON: No, I need to review the reports.

COUNCILMAN LENHARDT: I have a few things to say. First of all, this feels like déjà vu. About ten years ago, we got into another water project. On a very hot night in July I sat here and was asked to increase the capital project for that project by about the same about 4. some odd million dollars. I don't feel that delaying your recommendations is cost effective but I do have a couple questions. This one thing on clarifiers 3 and 4, you said that was going to be performed by the Town prior and under a separate budget authorization. I assume that budget authorization took place and isn't that money available?

SUPERVISOR EGAN: Rich.

MR. GELL: I don't believe it is. I don't think it ever took place; it was going to fit into the O and M.

SUPERVISOR EGAN: That's what Judi had indicated too was that in past practices, a lot of this stuff would be placed in O and M budgets and that with respect to clarifiers 3 and 4 there was really no specific resolution with respect to

monies for those 2 items that they thought that they could just do it in a normal budgetary O and M line item.

COUNCILMAN LENHARDT: Couldn't we still pay for this part under O and M budget? I know Judi isn't here, it's an unfair question for the audience but...

MR. GELL: To the extent that the funds are there it is possible, yes.

COUNCILMAN LENHARDT: Also, how far along are we with the bonding effort in regard to the 13 plus mill?

MR. GILL: Simply been induced and really right up to the last minute that can be changed ... to the public hearing.

COUNCILMAN LENHARDT: My experience in the engineering world of your... we always built in a contingency percentage into our estimates. I think 10 percent was the factor I used to use; I assume you have some contingency factor built into your 13 million.

MR. GILL: There was and there is a contingency factor built into the new estimate also.

COUNCILMAN LENHARDT: Okay but obviously this new additional 3 million, 4 million dollars exceeded the contingencies you gentlemen used.

MR. GILL: Yes, it did.

COUNCILMAN LENHARDT: Your phasing options, you use a term likely on every one of them, I'd like to have a little bit more of a comfortable feeling than likely because I am concerned when the actual... and this is where we got to that déjà vu issue – when the bids come in, supposed the bids come in higher than you anticipate it this time. Are we going to be back doing this all over again?

MR. GILL: Well, that's always a possibility. You know, we don't like to come back, we don't like to come back ever to a Town Board but these are only estimates. They are the best that we can do at this point in time. You know, obviously, it's going to be probably a year or more before the treatment plants bid. We just talked tonight about steel prices going up in the last 3 months, 20 percent. I can't predict what's going to happen in the future but I can tell you that there's a 15 percent contingency in these numbers, which amounts to a couple million dollars. I don't want to have to come back before this Board and talk about another price increase but I think one of the keys is going ahead with the project and getting it done as quickly as we can because prices aren't going to go down. I mean there is... they are only going to go up and it's a fact... a function of how fast. So, I think at this point anyway we've got enough contingencies built into the budget.

COUNCILMAN LENHARDT: Are you an engineer?

MR. GILL: Yes, I am.

COUNCILMAN LENHARDT: Okay, from your perspective, from an engineering stand point...

MR. GILL: And, I've been doing this for 35 years.

COUNCILMAN LENHARDT: Do you feel that dropping the size diameter of the pipe from 24 foot to 20 is really wise?

MR. GILL: The money in here now is for 24 inch pipe and we talked about that and I'll tell you why... there was talk a couple months ago when we dropped from 24 to 20 about maintaining the existing 16 inch pipe. There's 2...

COUNCILMAN LENHARDT: Yes, I'm well aware of it.

MR. GILL: There's 2 existing pipelines and from our perspective...

COUNCILMAN LENHARDT: I grew up with it.

MR. GILL: Okay, we think it's in the Town's best interest to maintain 2 transmission mains because if you ever have to take one out of service or if something happens, it breaks, you have another one. If that's the intent in the future that you are going to maintain the 16, a 20 is fine. And, some day if you have to rebuild the 16 which you probably will, you could make that 20 or even 24 in the future. So, if you are going to maintain the 2 transmission mains, 20 inch on the new pipe is fine. We put the money back for 24, you don't have to make that decision tonight but I would feel comfortable with a 20 inch pipeline and that's worth a couple hundred thousand dollars.

SUPERVISOR EGAN: George, again, it's funny that's why you talk about déjà vu, it was about an hour and a half ago when we raised that same question and the question was, I mean, going from a 20 to a 24 inch line doesn't really provide that much more water at any given rate and the answer was pretty much no. So, I mean, I think we may have internally resolved that issue anticipating your questions.

MR. GILL: Again, that's not something that has to be decided tonight. The money is in the budget for 24 inch pipe.

COUNCILMAN LENHARDT: We're talking about 200,000 as opposed to 3 million so I mean... that 16 inch pipe, is that approximately 25 years old, 30 years old?

MR. GILL: Do you have a sense, Richard, for how old that is?

MR.?? : Forty years old.

COUNCILMAN LENHARDT: Forty years old, okay.

MR. GILL: Right.

COUNCILMAN LENHARDT: So, chances are we will be replacing that within my lifetime.

MR. GILL: I think you know... hopefully in a lifetime or yours.

COUNCILMAN LENHARDT: Okay, thank you.

MR. GILL: But, again, I think it makes sense to maintain the 2 transmission lines.

COUNCILMAN LENHARDT: Oh, absolutely.

MR. GILL: It gives you a lot of reliability.

COUNCILMAN LENHARDT: The other one is abandoned in place, you are aware of that? There was another line there.

MR. GILL: Yes and there's also a 10 inch there right now too.

COUNCILMAN LENHARDT: There's a 4th one.

MR. GILL: Yea.

SUPERVISOR EGAN: Any other questions? Thank you.

MR. GILL: Thank you very much.

SUPERVISOR EGAN: Just wanted to note, inasmuch as the Board Members didn't get the executive summary until just last night, the last item on the agenda in regards to authorizing the commencement of the design of the water main we are

going to take off the agenda for tonight to allow Board Members to review the summary and ask any additional questions they may have.

The Supervisor gave the following updates on some items. She said the air conditioning is working in the auditorium so everyone should be comfortable.

Supervisor Egan said in regard to the Clapper Road facility, the wells are in, there are ongoing negotiations with Earth Tech at this point in time in regard to the testing protocols as well as the time frames. She said it is detailed and complicated; noting all she can say is it is ongoing at this point in time.

The Supervisor said update on the EPA is that there was a public forum held a couple weeks ago down in the Delmar Reformed Church. She said if the Town employees, elected officials and EPA reps were taken out, it was only about 25. Subsequent to that particular forum, 2 neighbors of the project contacted and requested EPA to do another forum, hopefully with a little better notice. She noted the Spotlight did cover the notice, it was on the Town's website but she has requested a second meeting for sometime during June. She noted the comment period is open until July 1 and said there are website available for comment. She noted the Beacon Harbor project is in Planning and proceeding. She said Mr. Gush is indicating to her that he is hoping to keep the project moving forward in an effort to keep EPA from that particular site.

Supervisor Egan said Bethlehem Planning Advisory Committee has been very busy this month, in addition to the Monday monthly meetings, there are 2 additional forums this month, one on planning and zoning and the most recent one was Monday night on the Slingerlands bypass. She said Slingerlands despite the thunderstorm and opening of the heavens, there were probably 75 to 100 people in attendance. She said she was part of one working group, which was lively, not at all contentious, but some good ideas and interaction took place.

Supervisor Egan stated the Town is going through a grant process regarding the water fund grants and the IDA is helping out in this respect. She said hopefully there would be 3 grant applications submitted in respect to that area of Town.

The Supervisor noted the YMCA, indicating she was sure everyone got the press release last week, did go public and indicated they are purchasing the BIG arena. She said to her knowledge a final contract has not been executed but is eminent with the final details released as soon as that happens.

Supervisor Egan asked if anyone wished to address the Board. A gentleman asked if there was a plan to continue the sidewalk up to the BIG. Supervisor Egan said there is not but it will have to be looked into as this moves forward. She said there is nothing on the books for that particular sidewalk. Mr. Sagendorph noted originally it was but there is a serious wetland mitigation that would have to take place to make it from Fisher Boulevard to the BIG arena. He said it is something that will have to be looked into if the YMCA is definite. Supervisor Egan thanked Mr. Sagendorph.

The motion was made by Mr. Lenhardt and seconded by Mr. Plummer to adjourn the regular Town Board meeting at 6:25 p.m. The motion was carried by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Lenhardt, Mr. Gordon.
Noes: None.
Absent: Mr. Marcelle

Deputy Town Clerk

