

TOWN BOARD  
MAY 27, 1998

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  
Robert C. Johnson, Councilman  
Susan Burns, Councilman  
Bernard Kaplowitz, Esq., Town Attorney  
Kathleen A. Newkirk, Town Clerk

Supervisor Fuller welcomed everyone to a regular meeting of the Bethlehem Town Board. She began the meeting with the pledge of allegiance.

Amendment  
for building  
project  
approval  
for Delmar  
Village

Supervisor Fuller said the first item is a request to approve amendments to the Building Project Approval for Delmar Village. She asked Mr. Swingruber to give a brief overview of the amendments. Mr. Neil Swingruber said he is with Albany Partners. He said he has been involved with Delmar Village since October of last year. He said they are down to the fundamental pieces of going forward. He said he appreciated the Town Board allowing him to present this information. He said there are 3 or 4 fundamental modifications to be discussed. He said the BPA called for a cape cod elevation and the request is to change this to a Victorian. He indicated the elevations on the map displayed. He said there is a great deal here. He said the approval 10 to 12 years ago contemplated a cape code look. He said the change is to make the marketability of a Victorian look available. He said it is a very basic, elegant look. He also noted the appearance fits very well into the Delmar neighborhood. Mr. Swingruber showed the front elevation with the reverse gables and turrets all fundamental to a Victorian look. He indicated the rear appearance of the building also.

Mr. Swingruber said there are attached inlaid garages rather than basement garages. He said that approach years ago might have been financially feasible. He said today to build a basement garage under each building would add 2.5 million dollars to the project. He said the modification is for garages attached right to the building with the associated foot print change. He said this will allow direct access right to the apartments. He said there are no walk-ups associated with basements. He said these are a cleaner, better approach and it is more cost effective.

Mr. Swingruber said along with the parking issue, they are requesting the current code of 1.5 parking space per square foot of living space. He said the dimension in the BPA would be changed to the current 9 x 20 requirement. He said it is a modification to purely bring it to current code.

Mr. Swingruber indicated the third item was to address the names of the streets. Originally, the names of the streets were Harbor Club and Captain's Cove, that particular verbiage was used due to the cape code design. He said they are asking to change the names to Mansion Drive which would have been Harbor and Victoria which would have been Captain's Cove.

Finally, Mr. Swingruber said in design of the community, Harbor Club was actually split on the southern side which he indicated on an exhibited map. He said originally there was a lower tier street, however, they are proposing eliminating that additional street. He said it did not serve a great purpose. He said this provides for more green space and more open, pleasing view from Fisher Boulevard without having to tear out trees. He said the approach is to save as many trees as possible.

Mr. Swingruber said the BPA was approved for 232 apartment units and they are staying with those numbers. He said it was approved for

56 single family homes and they are remaining with those. He said this is a total of 288 dwellings and there is no change in that regard. He said the BPA called for Fisher to cut through and the specifications, location, guidelines in the BPA are not being touched. They are staying the same. He said the dedication of the road to the Town remains the same.

Fundamentally, Mr. Swingruber said what they are asking for in modification is an economically driven need and aesthetic updating. He said the structural nature of Fisher Boulevard is the same as embodied in the 34 documents that are attached to the BPA and the plans and the blueprints. He said the BPA does call for the potentiality of grading changes and they are prepared to do those if the Town so requests.

Supervisor Fuller asked if Mr. Swingruber mentioned the Fisher Boulevard extension as part of this. He said there are no changes to that at all, it stays the same. He said they are very beautiful units. Supervisor Fuller said there was BPA approval back in December 1997 which set up some time frames and Fisher Boulevard Extension needed to be constructed by December 1999. Mr. Swingruber said he does not foresee a problem with that. He said the BPA had a phase in of permits and at the time, as near as they could understand and the research done, is related to the water district coming on line to be able to support the additional dwellings. He said since the water extension is done, they are asking that the permits associated with building be available for all buildings at one time rather than phased in. Mention was made that this was over a 3 year period. Mr. Swingruber said it referenced water and he thinks that was because the water district needed to come up on line. He said it is now there.

Councilman Davis asked if some of the structures on Fisher Boulevard have garages facing Fisher Boulevard. Mr. Swingruber said this was correct. Mrs. Davis said there are others in the middle of the complex that do not face onto a street. Mr. Swingruber said the backs of the buildings and the end of one building represent the in line garages. He said those do face Fisher, however, they are keeping the greenery in there. He said they are going to leave as many trees as possible. Mrs. Davis asked how wide the buffer is between Fisher and the parking area. Mr. Swingruber said it is about 60 feet. Mrs. Davis said she is concerned about the aesthetic value from Fisher. Mr. Swingruber said that was outlined in the approval and there is no change at all. He said the impact study talked about the aesthetic presentation from Fisher into the living area and they are maintaining that.

Councilman Davis asked Mr. Flanigan if there is a safety factor with that many garages in a structure. He said there was not because each one would be the same and no different than Chadwick Square. Mr. Swingruber said they are built back into the building and do not stick out. Mrs. Davis said a garage is a garage. He agreed. Mrs. Davis said she had one last question about the multiple dwellings and the fact that another development was changed to single family dwellings. She is concerned about this proposal. Mr. Swingruber said not knowing the person making the suggestion or background, he said they did extensive study on the market, Delmar/Albany area, for a year and a half. He said he grew up in Broadalbin, New York so he knows the area. He said this particular market right now has the earmarkings of a very short supply within the Town of Bethlehem for multi-family. He said the demographics are starting to change in the United States right now and they have dramatically changed in the last 5 years. He said there is a move now more toward the rental of luxury higher end and away from home ownership as the demographics age.

Mr. Swingruber said this is what is being sought. Mrs. Davis asked what the rental range would be. Mr. Swingruber said they range from \$780 to \$1,000 a month including garage, washer and dryer. He said they are 1, 2 and 3 bedroom units and lofts. He said they are covering the entire market, including handicap adaptable. He said he thinks they have covered every base. He said the markets move quickly. Mention was made that the road and infrastructure is bonded up front.

Councilman Lenhardt said he had a question/comment. He mentioned the roadway that is being eliminated, essentially from what he can see, those are driveways around the buildings and not thoroughfares, therefore, he can understand the desire to remove what seemed to be a connection from a driveway to a driveway unless it was originally put in there for fire purposes or emergency services. Mr. Swingruber said actually it isolated one building. He said he did not know. He said it is pretty much all the same, just that they removed that one spot. He said there are 25 foot clearances in the zoning between buildings and that is maintained. He said that is for fire purposes.

Councilman Lenhardt had one other question for Mr. Flanigan pertaining to the permits being done all at once, asking if there was a problem with that. Mr. Flanigan said there was not. He said you are looking at the basic building. He said it is not a major problem and there will be a plan and it will be modified. Mr. Swingruber said there is a bond performance set up. He said their lenders require that.

Councilman Davis said there are a lot of people on Orchard who will be very happy to see Fisher Boulevard cut through. Supervisor Fuller agreed and noted they have been waiting a long time for that road to go through. Mr. Swingruber said he will look forward to the day when he can say it is done and here you are. Mr. Bogardus said the cost of Fisher Boulevard is approximately a million dollars.

Councilman Burns had a couple questions. She asked what the time frame was for this. Mr. Swingruber said at this point in time, they are looking at a start date some time in late July or early August. He said they have some things they have to go through including additional processes. He said that is a moving date. He said their hope is to get their concrete down, the foundations down going into the winter so they can work through the year. Fisher will be one that will be cut through immediately all the way through. He said they will clear, grade, infrastructure -- indicating he needs the infrastructure on both sides for water pressure. He said he thinks legitimately it will probably take 4 months to cut Fisher in and finish it. He said if they were able to start by August some time, it will probably be a Christmas present. Mr. Bogardus indicated one of the reasons for asking for the permits simultaneously, or near, is because that gives them the benefit of putting the foundations in and then letting the framing crews work all winter after that concrete is in. Mr. Swingruber said not to be confused with the COs either. He said they will still have to come back for the COs. The permits let the construction get started, Mr. Swingruber noted, but they do not allow the occupancy of the building.

Councilman Burns asked if there will be any sidewalks with this. Mr. Swingruber said there are. He said the sidewalks are set up to go through a good portion on Fisher. He said there are more on Hedgerow and they will be putting them in on Mansion. He said throughout this entire area is a running track. It will be a 3/4 self-contained running track that goes through the package. Councilman Davis said that was all a part of the original approval. Mr. Swingruber said the running track was not, they added that. Councilman Davis said the sidewalks and other things were. Mr. Swingruber agreed. He further noted they are adding more sidewalks than what were included in the BPA for access to the buildings.

Supervisor Fuller said the BPA document was 38 pages long. Mr. Swingruber said it has taken since October to review this document. Supervisor Fuller said it was dated December 21, 1989. Mr. Flanigan said fire fighting wise, the garages coming out from under the buildings is better because there will not be 3 stories from the rear where the garages were. He said the garages will be ground level which will be better. He said it is something that can be done but it is a plus when you don't have to go in the garages down underneath and get behind them. Mr. Swingruber said they can go slab on grade with this approach where before they had huge containing walls coming up. It would have been a nightmare to build, according to Mr. Swingruber.

Councilman Johnson said he thought this was redundant at this point, but he asked Mr. Flanigan if this all meets with his approval. Mr. Flanigan said it does. He said there were some other discussions held earlier but this is back in the basic plan, noting it is the same number of units in the same areas. He said this has been around since 1989 trying to get this going and especially the construction of Fisher Boulevard. He said that is the first thing to go in.

Supervisor Fuller said basically in the Building Project Approval, the amendments are being requested are under the jurisdiction of the Town Board. She said in this regard the Board can approve these changes at this meeting. Attorney Kaplowitz said if the Board determines they are not material or significant changes, he thinks the Board has a right to go ahead and pass the amendments. Mr. Kaplowitz asked Mr. Flanigan if he is making that recommendation. Mr. Flanigan said he does recommend the changes be approved and the amendment to the BPA be drawn up. Mr. Flanigan said there are some plans, easements that will have to go through engineering. Mr. Swingruber said they are underway. Mr. Flanigan said the change from 3 to 2 stories around the back is going to make it easier. Mr. Flanigan said Fisher Boulevard and all the drainage and everything is all okay. Mr. Swingruber said the stress on the current topo and the land is going to be less. He said they are not going to be tearing down 20 feet into the ground and then redistributing all that dirt. He said they are going slab on grade with current topos as best they can. He said it is a beautiful, gorgeous piece of land. He said it would be a shame to rip it up and put holes in it. He said they want to keep the big trees and want to keep that presentation.

Supervisor Fuller thanked Mr. Swingruber and Mr. Bogardus. She asked for a motion to approve the amendment.

The motion was made by Mr. Lenhardt and seconded by Mr. Johnson to approve the modifications to the Building Project Approval for Delmar Village as proposed and outlined. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Lenhardt, Mrs. Davis, Mr. Johnson,  
Ms. Burns.  
Noes: None.

Mention was made by resident Mrs. Marie Capone for consideration of stop signs and children at play signs to be put in with the construction. Attorney Kaplowitz asked if the Planning Board is doing that. Mr. Flanigan said they are not, it would be the Traffic Safety Committee. Supervisor Fuller said it would be the Traffic Safety Committee and Mrs. Capone is a member of the Committee. Attorney Kaplowitz noted the Planning Board has the authority to put stop signs in new developments as he understands it. He noted there is no way to do that at this time. Mrs. Capone asked if the Planning Board can do that. Mr. Kaplowitz said it was his mistake. Councilman Lenhardt noted it had to come before the Board to have the signs legal. Attorney Kaplowitz noted the Town Board can delegate the authority to the Planning Board and then they can do it, however, this development will not be going back there. Supervisor Fuller said this is not a Planning Board issue.

The next item was a request from Chief of Police, Richard LaChappelle, for approval of transfer of funds from the Insurance Recovery Account to Police Account to provide for repair of damaged police vehicle.

The motion was made by Mrs. Davis and seconded by Ms. Burns to approve the transfer of funds from the Insurance Recovery Account to the Police Account in the amount of \$221.50 for repair of damaged police vehicle. The motion was passed by the following vote:

Chief of Police transfer  
of funds from  
Insurance  
Recovery  
Account repair  
police vehicle

Ayes: Mrs. Fuller, Mr. Lenhardt, Mrs. Davis, Mr. Johnson,  
Ms. Burns.  
Noes: None.

Receipt of  
fourth  
quarter  
franchise  
from A-R  
Cable Services

The following item was to acknowledge receipt of the fourth quarter 1997 Franchise Fee from A-R Cable Services, Inc. in the amount of \$41,267 and the first quarter of 1998 at \$45,774. Councilman Lenhardt asked if it was normal for them to give both of these amounts at the same time. Comptroller Kehoe said they all came in on time, it was an oversight that it had not been acknowledged previously.

Public Works  
change house  
number from  
New Scotland  
Avenue  
to Maple Avenue

The following item was a request from Bruce Secor, Commissioner of Public Works, to change the house number of 1458 New Scotland Road to 10 Maple Avenue. Supervisor Fuller explained this is basically because the property fronts on Maple Avenue and not New Scotland. She said the original property fronted on both streets, however, it has been divided and this removed the New Scotland Avenue frontage. The owner has requested the change in street address to 10 Maple Avenue.

The motion was made by Mr. Lenhardt and seconded by Ms. Burns to approve the change in address from 1458 New Scotland Road to 10 Maple Avenue. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Lenhardt, Mrs. Davis, Mr. Johnson,  
Ms. Burns.  
Noes: None.

Acknowledge  
receipt of  
conditional  
approval for  
Outcast Acres

The next item was to acknowledge receipt of conditional approval for Outcast Acres, Selkirk and Westland Park, Section 6, North Bethlehem from the Planning Board for information purposes.

Superintendent  
of Highways  
award  
underground  
fleet fuel  
storage tank  
to Adirondack  
Tank Services

The next item was a recommendation from Gregg Sagendorph, Highway Superintendent, to award the underground fleet fuel storage tank to Adirondack Tank Services, Star Lake, NY. Supervisor Fuller said this is the lowest bid of 5 bids received.

The motion was made by Mr. Johnson and seconded by Mr. Lenhardt to approve the award of bid to the low bidder, Adirondack Tank Services, Star Lake, NY for one underground fleet fuel storage tank. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Lenhardt, Mrs. Davis, Mr. Johnson,  
Ms. Burns.  
Noes: None.

Parks and  
Recreation  
Approval  
seasonal  
personnel

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

The motion was made by Ms. Burns and seconded by Mr. Lenhardt to approve the appointment of seasonal personnel as listed on the Memorandum from David Austin, Administrator, Parks & Recreation Department, dated May 27, 1998 at the titles and rates indicated. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Lenhardt, Mrs. Davis, Mr. Johnson,  
Ms. Burns.  
Noes: None.

Supervisor Fuller said there was one item that she wished to mention that was not on the agenda and that is the recognition for our Town Clerk, Kathleen A. Newkirk. She announced that Town Clerk Newkirk at the International Institute of Municipal Clerks received the 1998 records management award presented for an outstanding records management program in the category of 10,001 to 100,000 population.

Recognition  
to Town Clerk  
Kathy Newkirk  
1998 Records  
management  
award

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Supervisor Fuller asked if anyone wished to address the Board. Mr. Bob Samsel, Selkirk, said while he was out in California recently he came across a situation that might be an answer to a problem here. He said at almost every town meeting somebody shows up and wants additional police coverage on their particular street for speeding or running stop signs but at the same time they don't want to pay for additional policemen. He said while he was in the City of San Marcos he came across a volunteer policeman. They have regular police cars except without the flashing lights on top, it just said volunteer. They were not allowed to chase, according to Mr. Samsel, and were not allowed to arrest but they were allowed to take pictures. He said these pictures got mailed and unless you could get your son or daughter to say that they were driving the car, the owner of the car paid the fine.

Mr. Samsel said he went to an athletic event at a high school that 4 other schools participated in, plus 2 college teams, and he could not believe the parking lot. He said there was no speeding, no fights, nothing -- why, because there were 3 volunteer policemen there with cameras. He said if your picture comes up on camera, the students lose their parking privileges at the high school.

Mr. Samsel  
on volunteer  
policemen

Mr. Samsel said the Town of Bethlehem has had volunteer firemen here for over 150 years, and asked why not volunteer policemen. Supervisor Fuller said there are a lot of students in attendance. Attorney Kaplowitz noted the Town does have an auxiliary police force and that it hasn't been used much except for crowded events where they do help control crowds. Mr. Samsel said his son is a former police officer in this Town and he knows that only Nassau County has been using them for the same type of things that he saw in California, for over 3 years and he thinks it is legal in New York also. Attorney Kaplowitz said the cameras would be a great investment. Supervisor Fuller said it was an interesting idea.

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Resident Sherwood Davies said he had a question, a request and a few comments.

MR. DAVIES: The question relates to the \$52,000 that the Board approved at the last meeting to develop a test well. I would like to ask the Board Members if any of you have reviewed the request that was made to O'Brien and Gere for this test well or study or evaluation. Apparently not.

Sherwood  
Davies  
on Water  
issue

COUNCILMAN DAVIS: I am not sure I understand the question, Mr. Davies.

SUPERVISOR FULLER: Yes, I don't know what...

MR. DAVIES: O'Brien and Gere prepared a report that was submitted to the Board Members from Mr. Secor in which they recommended the development of a test well, actually a production well. Mr. Alessi had indicated that all prior work was inaccurate, couldn't be depended upon. Now, the request that was made to O'Brien and Gere, I assume, was something more than a verbal request. Let me go on further, this is my request to the Board. The Town has agreements with O'Brien and Gere, 1 is dated July 21, 1997, the other is December 11, 1997. This agreement relates to the groundwater infiltration system. Three months ago, I had made a request for this correspondence, letter, anything that was in connection with this ground water system that was related to O'Brien and Gere. Mr. Secor at the meeting indicated that it was available. I have made 3 foil requests to review this information. Mr. Secor has not provided any

of this information. I think it's of considerable interest and importance to know what the Town Board has asked O'Brien and Gere to do and why they limited their comments and study to the recommendation of a test well, which is a production well.

ATTORNEY KAPLOWITZ: Sherwood, what's the difference? Why is it a production well? They call it a test well, why do you call it a production well? I am lost.

MR. DAVIES: A production well is costing us \$26,000. A test well you can put in for a few thousand dollars. I would like to comment a little later on why I think this production well is being put in. But, is there any possibility of my getting access to the agreements or letters, requests that have been made of O'Brien and Gere? I think the public has a right to know and particularly the Board members.

SUPERVISOR FULLER: I think that there has been several requests from you Sherwood and I personally have handed your requests, honored your requests. So, what... Mr. Secor is here, what...

MR. SECOR: Everyone of his requests has been responded to, he has it in writing. He is asking questions that have been asked and answered. Because of the litigation that is going on, the amount of correspondence has been limited, my comments have been limited. Everything has been responded to to Mr. Davies. He has it in front of him in writing. I continue to hear this allegations which are untrue and I take offense to that. But, I can't go on, Sherwood. Your requests have been answered in writing.

MR. DAVIES: I am sorry, it has not, Mr. Secor. I am referring to these agreements between the Town and O'Brien and Gere. Now, because of the litigation is this unavailable to the Board Members and the public?

MR. SECOR: Everything that has been presented has been presented publicly at a public meeting. Town Board Members have copies of them and you have copies of them.

SUPERVISOR FULLER: I don't think there is anything we have that...

MR. DAVIES: I do not have a copy of the agreement, Mr. Secor, and I have asked repeatedly.

ATTORNEY KAPLOWITZ: Do we have an agreement with O'Brien and Gere?

MR. SECOR: We have a series of them and he has mentioned a couple, I have to go back and check the dates.

ATTORNEY KAPLOWITZ: All right. The only restriction I would have in my own mind, is whether or not because of the pending litigation and they would be things we wouldn't want the public to have for the sake of the Town and I am not sure that applies to what you are talking about.

MR. DAVIES: I have no objection if it's because of litigation.

ATTORNEY KAPLOWITZ: Well, that's my only concern.

MR. DAVIES: If there is an agreement, I would say because the Town Board did take action on an expenditure of \$52,000, each and every Board Member should have been known what O'Brien and Gere was asked to do.

SUPERVISOR FULLER: I believe that would be 10 page report that I gave you that Friday before our Board meeting, or Monday.

MR. DAVIES: That was the result of the request of the agreement. All I am asking is what have asked the engineers to do. It is very simple. Is it a verbal request? I assume it is an agreement because it's referred to in the invoice from O'Brien and Gere to the Town. They refer specifically to this written agreement.

But, just let me go on. Could I... Mr. Kaplowitz, if it is not under litigation, can it be made available?

ATTORNEY KAPLOWITZ: Yea, there would be no reason not to make it available.

MR. DAVIES: Okay, thank you.

ATTORNEY KAPLOWITZ: That is the only reason, I can think of, Sherwood, for not providing it.

MR. DAVIES: Okay. All right. I will accept it...

ATTORNEY KAPLOWITZ: Let me back off because there is another exception dealing with inter... intra-departmental agencies. I don't think that would apply. I would have to check but I don't think it would apply to our situation. I think I agree with what I said first.

MR. DAVIES: Okay.

ATTORNEY KAPLOWITZ: Litigation there was a problem... I would want to clear that with Mr. Alessi before we do that. I still don't know if you resolved what it is you don't have.

SUPERVISOR FULLER: I don't know either.

MR. DAVIES: Well...

ATTORNEY KAPLOWITZ: When you were missing something. You say you didn't get something, everybody else said you did.

MR. DAVIES: I am asking for the agreements that were referred to in the invoice. And, this is the agreement between the Town and O'Brien and Gere.

ATTORNEY KAPLOWITZ: I would be glad to call Mr. Alessi tomorrow, if you would like.

MR. DAVIES: Okay, I would appreciate it.

ATTORNEY KAPLOWITZ: Sometime during the day, it will be late in the day.

MR. DAVIES: All right.

ATTORNEY KAPLOWITZ: And, let you know what he thinks.

MR. DAVIES: I would appreciate it, okay. All right. Now for a few comments. The difference between the test well and production well is \$26,000 plus engineer's fee of about \$27,000 which is pretty expensive. There is no question based upon a 1978 report that was prepared for the Town of Bethlehem by Myrick and Chavalier that this well can produce 1 million gallons a day. I have no doubt about it. Under the 72 hour test it will produce 1 million gallons a day. I project that the scenario will go something like this, and you as a Board will be asked to do this -- the engineers will then recommend that this Board approve another \$200,000 to \$300,000 because this well is producing 1 million gallons a day, put in a pump, a pump house, connecting main, put it into the system. It will temporarily reduce the amount of water needed to be purchased from the city of Albany maybe to the tune of \$300,0000 to \$500,000 a year which would be very attractive to you. This is a million gallons a day that the well probably can produce. Mr. Alessi stated at the last Board meeting that the prior engineering studies were faulted. Was he familiar with Myric and Chavalier's '78 study? Why did O'Brien and Gere recommend a new well be developed instead of evaluating the Town's overall water problem such as looking at different alternatives and there are alternatives, the costs extremely important, the water quality and the availability of land. What O'Brien and Gere has done is to zero in on just recommending that a well be developed for \$52,000. If this is what the Town is asked them to do, it is analogist to you going to a doctor and insisting that that doctor treat you for a stomach ulcer when actually you have cancer of the colon. He needs to make a complete evaluation. This

was not done by O'Brien and Gere. We were short changed. This well will produce over a 72 hour pumping period, and that is what the O'Brien and Gere report asks for, 1 million gallons a day. But, due to that poor water quality, it cannot be sustained and the well will fail as has the infiltration gallery. The infiltration gallery had a reduction in yield of 50 percent from July of 1996 to July of 1997. The same thing will occur with this well. The well has hardness of twice that of our present water supply. Hardness is extremely important to Selkirk Cogen. The hardness is 250 parts per million and it is going to cost them a bundle of dough to treat this water. Selkirk Cogen really liked Albany water, alcove water because of the small amount of minerals. We are going to be giving them a water that's really unacceptable in terms of their costs. I would hope... I would urge that each Board Member think of the interests of the community, the water district tax payers and your own conscience before we go off on tangents such as we have done with a production well with no end in sight in terms of what the final solution is going to be. I thank you.

SUPERVISOR FULLER: Sherwood, I think each and every one of us as we sit here, do exactly what you are requesting us to do and we always have. We are looking out for the best interests of every taxpayer and this is 6 million gallons a day plant. And, we are going to get that, Sherwood. This is not an endless pit that we are pouring money into. We are watching very carefully and we are in litigation. So, you have made a lot of statements here tonight and you have assumed a lot of things. Most important is, we are here for the community and we are here for the taxpayers. And, I think you know that.

MR. DAVIES: Sheila, I can't help but say that I think it would have been extremely helpful if you would have opened up for discussion with Mr. Alessi and O'Brien and Gere the subject that they discussed to the public.

SUPERVISOR FULLER: I have opened up this entire litigation to this community.

MR. DAVIES: No, the questions relating to their recent study. We were denied it... an opportunity to talk with them.

ATTORNEY KAPLOWITZ: You might as well go to your adversary and say here is our strategy, here is what we are going to do.

SUPERVISOR FULLER: We are not going to debate it...

ATTORNEY KAPLOWITZ: We surrender.

SUPERVISOR FULLER: ...at the Board meeting.

MR. DAVIES: No, no, no, no, no. There are some basic questions that could have been asked that would have zeroed in on our problem.

SUPERVISOR FULLER: And, I believe you have sent your correspondence on to Mr. Alessi.

MR. DAVIES: Well...

SUPERVISOR FULLER: He has received that.

MR. DAVIES: Have there been any of my correspondence that's cut into this litigation issue, in your opinion?

SUPERVISOR FULLER: What do you mean has it cut into it?

MR. DAVIES: Well, has it... Has it been to a disadvantage of the Town's interests in what I have asked or requested or stated?

SUPERVISOR FULLER: I think that is a question you will have to answer.

MR. DAVIES: I have been asking myself because I don't want to.

SUPERVISOR FULLER: Okay. I think you need to consider it, in all honesty.

MR. DAVIES: Thank you.

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 Supervisor Fuller asked if anyone else wished to address the Board. There were none.

Councilman Davis said she was waiting to see if anyone was here tonight. She said she had one comment. She said they all received a letter or she believed they all did, from the Bethlehem Pesticide Watch. Supervisor Fuller agreed. Councilman Davis said as individual Board Members and she knew Supervisor Fuller did because she was nice enough to include a copy of the letter. She said one of the reasons for sending the letter was to invite the Board to the Monday, June 8 meeting to listen to community input and discussion on this particular issue. She said she is somewhat puzzled by why there is a public meeting on this issue because the Board has been working on this issue for approximately 2 months.

Councilman Davis said when she was first approached by a member of the community indicating that this was an issue that was of concern, she went to the Supervisor and the Supervisor immediately responded and there has been a meeting with the Highway Superintendent and the Administrator of Parks and Recreation Department. Mrs. Davis said they have been working on this very hard. She said there have been employees attending seminar workshops out of the area and they have brought back information. She also said this has been moving forward. She said she does not understand why a meeting has been called. She said it is almost as though there has been no acknowledgement of all the work that has been put in on this. She said she wants everyone to know that this issue is being addressed and a resolution is being drafted and will be presented for the Board's approval in the very near future. Supervisor Fuller noted this may be at the next Board meeting.

Councilman  
 Davis  
 on Bethlehem  
 Pesticide Watch

Councilman Davis said she thinks the meeting at this point is rather superfluous. She does not see a reason for this to be handled the way it is. She said she does not like the fact that the work being done by the Supervisor is not being acknowledged. Supervisor Fuller said she did not have a chance to call Carol Nemore on her recent letter inviting us all to attend this meeting on the 8th. She said it came into her office on Friday or maybe Tuesday. She said she had been in contact with Kenny Mc Eneny and Carol who have both sent letters requesting exactly what the Town did with pesticides and the use of pesticides. She said Mr. Austin, Mr. Sagendorph and Mr. Wickham from Public Works responded and they thanked her for the completeness and factual information. She said they then sent the letter requesting that the Highway people be sent to Rochester to bring back information on natural herbicides.

Supervisor Fuller noted Albany County has adopted a resolution which she was aware of and she spoke with both Mr. Austin and Mr. Sagendorph regarding this. She said they had a meeting last week and planned on getting this together for the June 10th Board meeting. She said this pesticide group is basically looking to eliminate the use of pesticides on Town property. She said they are also requesting it on school property, but the issue for the Town is enough for the Town to deal with, not the school property. She said this has been moving forward and the letter from Carol requesting this June 8th meeting is not clear as to whether this is for the Board or for the community at large. She said she is not sure and will seek clarification. Councilman Davis said she really does not understand why the meeting is being generated when they know, she believes, that all this work has been done and that it is moving forward and close to resolution. Councilman Burns said perhaps maybe is it like was said, a way to inform the community of what is going on. She said she knows that people have asked her and it is just to answer questions and tell them exactly what it is that we are going to be doing. Councilman Davis said maybe the public needs to be informed that the Town has been moving as aggressively as it has been which she does not think is being done. She said that concerns her. Supervisor Fuller said actually it has been a few years since the Town has used anything here on Town property. She said we are well ahead of others.

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

Adjourn to executive session no formal action taken

The motion was made by Mrs. Davis and seconded by Mr. Johnson to meet in Executive Session following the close of the regular Town Board meeting to discuss negotiations. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Lenhardt, Mrs. Davis, Mr. Johnson,  
Ms. Burns.  
Noes: None.

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The motion was made by Mrs. Davis and seconded by Mr. Lenhardt to adjourn the regular Town Board meeting at 8:20 p.m. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Lenhardt, Mrs. Davis, Mr. Johnson,  
Ms. Burns.  
Noes: None.

*Kathleen A. Newkirk*  
Town Clerk

EXECUTIVE SESSION

No there was no formal action taken at the Executive Session.