

**Town Board
October 13, 2010**

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 6:00PM.

PRESENT: Samuel Messina, Supervisor
Joann Dawson, Councilwoman
Mark Hennessey, Councilman
Mark Jordan, Councilman
Kyle Kotary, Councilman
Nanci Moquin, Town Clerk
James T. Potter, Esq., Town Attorney

Supervisor Messina called the meeting to order and lead the Pledge of Allegiance.

PUBLIC COMMENT ON AGENDA ITEMS-----

No Comments

PUBLIC HEARING – FUTURE WATER SUPPLY ALTERNATIVES FOR THE TOWN OF BETHLEHEM

A motion to indent the public hearing notice and the affidavit of publication was offered by Councilwoman Dawson, seconded by Councilman Jordan and approved with the following vote:

AYES: Supervisor Messina, Councilwoman Dawson, Councilman Hennessey, Councilman Jordan, Councilman Kotary
NAYES: none
ABSENT: none

**NOTICE OF PUBLIC HEARING
TOWN OF BETHLEHEM, ALBANY COUNTY**

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Bethlehem, Albany County, New York will hold a public hearing on October 13, 2010 at 6:00 p.m. at the Town Hall, 445 Delaware Avenue, Delmar, NY to consider Future Water Supply Alternatives.

All parties in interest and citizens will have an opportunity to be heard at the said hearing.

Individuals with disabilities who are in need of an accommodation in order to participate should contact the Town Clerk's office at 439-4955, Ext. 1183. Advanced notice is requested.

BY ORDER OF THE TOWN BOARD
TOWN OF BETHLEHEM

Nanci Moquin
TOWN CLERK

Dated: September 23, 2010

**STATE OF NEW YORK) SS:
COUNTY OF ALBANY)**

Nanci Moquin, being duly sworn, deposes and says that she is the Town Clerk of the Town of Bethlehem, Albany County, New York and the attached Legal Notice was published in the Town's legal newspaper, The Spotlight, on September 29, 2010 and that I posted the Notice of Public Hearing on September 23, 2010 on the sign board of the Town maintained pursuant to subdivision six of Section thirty of the Town Law.

Nanci Moquin
Town Clerk

Sworn to before me this
25 day of October, 2010.

Julie Sagendorph
Notary Public

The presentation for the Future Water Supply Alternatives was given that was given on September 22, 2010 and September 8, 2010.

Supervisor Messina opened the public hearing to comments form the audience.

Paul Penman, Town Engineer: I would like to read a letter received from Tom Brady, from the Albany County Health Department:

“ Mr. Deyoe, in a recent conversation you asked me to summarize the role that the Albany County Health Department has to insure the quality and safety of the potable water, delivered to the homes and residents of Bethlehem.

One role of the Albany County Health Department is to insure that all public water systems including Bethlehem’s New Salem and Clapper Road systems follow the regulations of the Federal Safe Drinking Water Act and New York State’s water regulations. These regulations require that finished water exiting any water plant and delivered to homes is annually tested for over one hundred and fifty parameters. Many of these parameters are checked daily. Copies of all results are forwarded to this office.

The Clapper Road water treatment plant has had its water monitored and tested since the mid 1900’s when it was constructed and put into service. One group of compounds tested for at the Clapper Road plant are Principal Organic Compounds (POCs). These include chemicals like Benzene and Xylene. Since 1996 all 54 POCs have been absent from the Clapper Road finished water. Another group of monitored compounds are the Synthetic organic Compounds (SOCs). These include pesticides, herbicides and PCBs. Since 1996 none of the forty five (45) SOCs, including PCBs has ever been detected in the Clapper Road finished water. All other parameters tested for have been either not detected in the Clapper Road finished water. All other parameters tested for have been either not detected or well below the safe levels established by the Environmental Protection Agency (EPA) and New York State.

It is this office’s position that the finished water delivered from the Clapper Road Water Treatment Plant is as safe or safer than any other water in Albany County. There is absolutely no reason to believe that the plant’s excellent water quality will change in the Future.

We would like this letter to be added to any public record as our official comment on the issue.”

Thomas J. Brady, Assistant Director, Division of Environmental Health Services

Ted Jennings, River Road: I missed something, it was an excellent presentation but it wasn’t quite clear. There is a long track record of the supply from New Salem. I don’t know the extent of the track record for the wells along the river and what the speculation is or the supply is down there to meet all the presumptions that seemed to have gone into the presentation. The first set of wells, the infiltration part, didn’t work. I believe that the ones that are there now are working up to a certain level but I’m not sure how confident we are that we’re going to get all the water which we promised ourselves from that source. I would appreciate a comment.

Josh Cansler: You’re right the infiltration gallery did not perform as was expected and that’s why the eleven wells were added down there about seven, eight years ago. Those wells work fine, they produce quite a bit of water. They produce at least six million gallons per day. We can’t treat six million gallons per day that’s what the plant was designed for. So the wells are not an issue with the Clapper Road plant. The plant was designed to treat six million gallons per day so if the wells continue to produce at least six million gallons than we’re fine. Obviously if we decided we wanted to expand the plant to twelve million gallons than we would have to relook at the wells and make sure that they would be capable of that. I see no reason at this point that they would not but I assume that would be something that would be studied if we expanded the plant.

Mr. Potter, Town Attorney: One other thing that is relevant to that is several years ago the Town entered into a settlement with Earth Tech, which was one of the companies that designed the Clapper Road plant and the infiltration gallery. That provided that they would guarantee at least six million gallons per year for a total of thirteen point five years. There’s a question about, there is dispute between the Town and Earth Tech as to when that thirteen point five year period starts but under any count we have at least five years of a guarantee from Earth Tech. It would be their obligation if the wells did not yield six million gallons to provide that supply through some other source, perhaps through a purchase form the City of Albany.

Peter Anderson, 31 Old School Road, Selkirk. I’m one of the people that have been drinking the Clapper Road water since 2002, 2003. I do monitor the yearly reports that are sent out from Clapper Road, New Salem and the City of Albany. As Malcolm Pirnie indicated they all meet water standard quality and I believe the plan outlined by Malcolm Pirnie seems to be the best. I do have some reservations on buying water from the City of Albany. If I recall, several years ago, there was a situation where Delaware Avenue wanted to move down to the creek and almost took out the Albany water line down there. That would have significantly interrupted the supply, not only for Albany but I also believe for Bethlehem. What I wanted to know is when the Albany water system has a problem on their line, does Bethlehem still draw their water or are they..

Josh Cansler: If Albany has a problem on their line, obviously it affects us. One thing that we haven't discussed in this presentation is Albany has the advantage of the Loudonville reservoir that provides them with eleven (11) days supply should their line fail. So it would give them eleven (11) days to repair it. We don't have that. So if there was a failure in their system and it went more than three or four days, it would have a significant impact on us. We wouldn't be receiving water from the Loudonville reservoir, we receive our water early on in the line.

Peter Anderson: I know the Albany water system infrastructure is from the Alcove Reservoir to the water treatment plant and from the plant to the City is well over one hundred (100) years old. I do live very close to that water line and I have seen some ruptures in that line. I just believe that one of these days something is going to happen on that line where it will be a week before they get it back up. Also I believe that Albany is looking into replacing that line at some point in time and that will be a very expensive proposition.

Josh Cansler: I heard that they planned on replacing that too but they haven't discussed with us. Issues they have with the line are a concern of ours as we addressed earlier in the presentation. Those are good points you're bringing up and certainly concerns that we have.

Peter Anderson: I would like to recommend to the Town Board that they go with option three as recommended.

Councilwoman Dawson: Among some of the recommendations that we have received in the last few weeks was the idea or question of whether we were planning on building additional storage capacity. That's seems to be coming up that Albany has 10/11 days and we have 3. Is additional storage capacity included in any of the proposals we were given?

Eric Deyoe: At this point no and the reason for that is the issue with respect to the disinfection byproducts. As you put more storage in your system, your water is in your system for a longer period of time and that longer period of time creates more opportunity for those byproducts to compound and generate. Our storage at 3 to 4 days is perfectly within normal system design guidelines and we don't see a big risk there over the long haul so we don't have anything planned to add storage to our system immediately.

Christo Zemerling, 44 Hasgate Dr: I am a big customer as I have two children who drink the water which is greatly important to me. I'm also a big customer because I am the general manager of the plastics plant on Creble Road. We use almost a million gallons of water per day. I studied the proposal very carefully because there is a lot at stake, not just because of the quality and the fact that my family drinks the water but also because I am responsible for 420 jobs in this area. If you would not go for the recommended option, I did a rough calculation, it would increase the water bill for our plant almost \$300,000. So it is going to make it a lot more difficult for us to stay competitive. We compete with other companies. I also ran the quality thing that we get from our own experts and engineers. There is absolutely no issue, so I strongly support the third option. I also thought hard how to explain to my kids everything we heard tonight. I can't take an hour and a half because they don't have that attention span. Here's how I see it, if Bethlehem town were to be a taxi company, you have 3 taxis to maintain. One of those taxis turned into a clunker, you only have enough customers for 2 taxis, so maintain those 2 taxis well and get rid of the other one. Make sure they stay safe and that way you don't have to increase the rates.

Oliver Holmes, Westfall Dr. I am the former Public Works Commissioner. I spent a lot of time a couple of years ago, evaluating the beginning of this. I spent many, many hours reviewing all the data and looking at 15 years worth of history or more of the Clapper Road plant, the New Salem plant, the contract with the City of Albany and all of the decisions that were made over a long period of time. I spent a lot of time a couple of years ago evaluating the beginning of this study. I spent many, many hours looking at the data and evaluating it, fifteen years worth of history more about the Clapper Road plant, the New Salem plant, the contract with the City of Albany and all the decisions that were made over a long period of time that got us to where we were. Then the decision that we didn't make which was to interconnect the systems that we had designed for a long range strategic plan to make it work appropriately in a smart cost effective quality focused way. That plan is on the table tonight, it has been in place. I think the folks have continued the studies in a very thorough way and have done a lot of analysis. They have looked at many reiterations and were able to answer the questions here tonight whether its something in the short term or the long term were changed and under any of those, I think what you would find is a system that is one complete system, really maximizes the flexibility that was designed in 15 years ago. It's going to minimize the cost both to the residents and to the businesses that we have and allow them to grow. It is also going to preserve future options should something change in the Town whatever that might be. Hypothetically we've gone one way or another. It really presents a smart solution and one we should consider carefully and hopefully to pick the selected one and go forward with that. It would allow the folks in public works to do their job in an appropriate way, to manage the water for the Town for a long period of time. I want to commend them for the work they've done. I think they have done an admiral job.

Eric Braun – 5 Hunter Road. I think we have political amnesia to a certain extent. When this plant, the Clapper Road plant was originally proposed, Sheila Fuller the then Town Supervisor, and other members of the Board at that time said that it would only be used for industrial purposes. I believe that's the reason it wasn't integrated

into the full system. It was for a political reason, the reason being that the people did not want to drink the water adjacent to the Hudson River. I think you're breaking faith with the people by going ahead with the Clapper Road plan for usage. Now people voted on building the Clapper Road plant based on the belief it would only be used for industrial purposes. I believe that if you want to do this, you have to go to the people again and get their OK to go forward. I don't think it's right morally, you might be able to do it legally, but not right morally to do this. Also there might be a legal objection of a legal suit brought forth on that basis that the people voted on the plant for industrial purposes only.

Linda Ann Burtis -61 Salisbury Rd. I was deeply involved in this issue in 1994. Four years out of my life. My friends and I started a group called Clearwater for Bethlehem and we learned so much at the time. I appreciate the thoroughness and professionalism that the Town Board is showing and the care and the concern not only on the economic side but on the drinking water side. What happened is that the Town is going ahead with working with an engineering firm that had award winning credentials that promised us that if we gave them 14 million gallons of water we would get 6 million gallons per day and 14 days after the system was tuned on we were getting less than 1 million gallons per day. I didn't know that engineers could work that way that we could give them that kind of money and we could have very good people and not deliver. Another piece that has not come up is we spent a million dollars to put in an ozone treatment facility in the Clapper Road plant and it never worked. I think at the time the Town engineer called that the gold star of the system. We still don't use the ozone system. What I wondered as an ordinary person without any background professionally, wow that's pretty amazing, I want to understand what's going on. So we asked the question of the Town at the time, was the water, how much of the water was coming from the Hudson River. The Town was already committed to building the plant and they didn't know the answer to the question so they researched it and the Town Engineer came back to Clearwater for Bethlehem and said 90% of the water coming from the Clapper Road plant from the infiltration galleries was recharged by the Hudson River. That got Clearwater for Bethlehem very interested in looking at this and there was a strong momentum in the Town to ask the Town Board to not build the plant. The Town Board went ahead and built the plant and then that's when it didn't deliver what they said it would deliver aside from the quality of the water. We learned a lot about the Hudson River. The infiltration gallery and the wells are on the banks of the Hudson River. The Hudson River is class C water. Class C water means that you can't drink the water, you shouldn't swim in the river, I think about the jet skiers and the kids from Bethlehem that row on the river and can't eat fish from the river. The big question for us was at the time, should we be drinking water from the Hudson River. The Town Supervisor at the time said we would only use it for industrial part of the Town and a few families that lived near that water. They thought that was a long 3 or 4 year battle in our lives and now its over. Its coming up again for me, I'm personally not standing here tonight with my own mind resolved with what I would do if I was in your seat. I think it's important to have some of this information thought very carefully about. Can the engineering firm that the Town hired guarantee us that the water isn't Hudson River water. I asked that question of them and they said no they couldn't guarantee that. I think we need to look at all sides of this, the economic side is important. As a parent and now a grandparent, turning on the tap water and having my children and my grandchildren drinking water and wondering about the source of that. I appreciate the EPA standards and the Health Department standards and New York State standards but they don't cover all the possibilities that could happen. That water, the reason that it's class C is because its surrounded by sewage treatment plants. In order to make it a class A, the State would have to ask all the communities around there to invest their dollars in upgrading their sewage treatment plants. So that's one issue. The other issue is CSO, combined sewer overflows. When it rains really hard and the sewers can't handle the water anymore it pours directly into the Hudson. So now I'm thinking, are we getting water from there. I've been assured by the Town Engineer that the water, we have a very good track record for the last 10 years for testing the water and its ground water meaning that its runoff, not water from the Hudson. It sounds like, 10 years ago we called it ground water under the influence of a surface body of water and the surface body of water was the Hudson River. It sounds like now we're saying it's not Hudson River water, its ground water. So can we be assured that it's not Hudson River water. The wells and the infiltration gallery are right on the banks of the Hudson River. I wanted to say that my mind is not completely made up, I want these concerns to be thought about in the community by the Board. I think they're very important. There's not a person in this room that's not going to turn on a tap tonight to brush their teeth so we're touched by water 24/7 and I suppose at the end of the day if I knew that was not Hudson River water, if I could know that in a clear way, that would put my mind at rest. Thank you.

Josh Cansler – We had a discussion with Linda a few weeks ago about this. Regarding the source of the water, it was designed initially to be an infiltration gallery to take water from the Hudson. After it was opened, the infiltration gallery failed primarily because the water was not coming from the Hudson and that was when it was discovered that it was coming as groundwater source. We cannot guarantee that water does not infiltrate from the Hudson into the wells no more than I can guarantee that Hudson River water doesn't get into the Vly Creek reservoir or Albany's water system or any other system. Water sources out there, for instance the Vly Creek are a surface source and we don't know where that water comes from. The point I'm trying to make is that we are able to treat whatever water we get, which we can. We do treat to the EPA standards and maybe yes or no does it cover every eventuality, I like to think that the EPA does cover everything that they can or at least what is known. I can tell you that the EPA standards for drinking water are much higher than the standards for the bottled water that you buy in the stores which is not regulated by the EPA but the FDA. To answer one of the other comments, one of the biggest gripes I've had from customers is the fact that the decision to close the valve did not go to a vote by the people. It was a decision made by the Supervisor at that time and did not even go to

vote to the Board. The people stood up and the Clearwater water group had an influence with the Supervisor. The decision to build the plant and whether the valve was opened or not, never went to a vote is my understanding.

Dr. Devario: I wanted to comment on this one particularly because I had the opportunity with Josh to meet Linda a few weeks back. I appreciate her coming in. When she represented to everyone that when asked of me; could I guarantee that this isn't Hudson River water, I said no because that's the truth, you can't guarantee the source that it's not Hudson River water. What I can guarantee is that I have a perspective that others couldn't have had 15 years ago. I'm a professional engineer and I'm ethically bound as a professional engineer to give you my judgment. That's what I'm doing. On that platform, we were hired in 2006. Malcolm Pirnie, Gregg Devario, has no affiliation with the engineering companies that preceded us. That's water under the bridge. We came in and looked at the situation that was presented at the time we arrived. It's not about then, it's about now, it's about what's the right decision now. Was it the right decision then; I don't know. I can't go back in time, I can only move forward from today. From today moving forward, our recommendation is to use the water at Clapper Road. What I can tell you is that they have 15 years of successful treatment meeting safe drinking water standards. When you reference the EPA requirements recognize the reason we're doing this now is because the EPA is constantly strengthening their standards as they learn more. There's more requirements now than in the 1950's, 1970's and last year and more in 2012. It's constantly changing their doing the best that they can with people that know far more about water treatment than I do. The reason we're doing this project now is because EPA standards will be stricter in 2012 than they are today. As a response to that, we embarked on this study and made our recommendations. In further response, if something arises in the change in demand because you haven't exercised your expansion at the Vly Creek Reservoir, you could exercise it. If there is an emerging contaminate that we don't understand yet but we learn later is very important to take out of the water, you'll have the capital available to invest in new infrastructure that meets the quality goals of that day. That's what we're trying to do today.

Mr. Potter: What's your best judgment as to the source of the water feeding the wells?

Dr. Daviero: I'll answer a question you didn't ask. All I am offering now is my judgment because I have done no science relating to that. This is my perspective, if Hudson River water easily infiltrated the gallery, we wouldn't have done wells. Earth Tech wouldn't have, how much have they invested?

Mr. Potter: I don't know dollar amounts, they have a 6 million gallon guarantee for 13.5 years.

Dr. Daverio – So the design professional put in 11 wells to produce 6 million gallons per day. So as a business professional working in the engineering field, I'm thinking the infiltration gallery didn't work. Which tells me that water doesn't easily infiltrate into it from the Hudson River. If it did they wouldn't have invested in the wells. When the wells were built, it provided water to the infiltration gallery. Where the water comes from, I don't know. What I also know is that the engineer, the original one, they weren't prepared for dealing with high manganese which doesn't normally exist in high quantity in the Hudson River. It does exist in the water being delivered from the wells. Had they anticipated this condition they would have designed a pretreatment system capable of handling it. They did not. That's why a temporary chlorination facility was put in at Dinmore Road, that's why each of the alternatives have pretreatment option that requires pretreatment of iron and manganese. If I had to guess, most water comes from a ground water source. Some absolutely infiltrates into the infiltration gallery, none of the samples taken at the finished water point have come up in violation of the state treatment water act.

Terri Egan; Good evening everybody, I've been in these halls in different capacities over the last several years. I stand before you tonight as the co-chair of the 20/20 committee. On behalf of my other co-chair George Leveille, first I want to thank you for giving us the opportunity to co-chair 20/20. For people that might not be familiar with us, it is a community based group that was initially put together by Supervisor Cunningham. It issued a report about a year and a half, two years ago and Supervisor Messina has asked with I presume the blessing of all of you for us to reconvene and go through several and various things that are confronting the Town. We actually have in addition to the full committee, which consists of 15 or 16 I believe very prominent residents of the Town of Bethlehem, Cristo being one of our members, a couple other members are here with us this evening. It is some of the best and brightest the Town has to offer. I feel very fortunate that I have them as colleagues on this group to look at several issues that will be facing you all currently and as you move into the future. 20/20 has also organized 3 sub-committees, one deals with modernization of Town government, again these recommendations are coming from the initial report. A second sub-committee deals with economic development, and a third deals with intergovernmental benefits that we might find dealing with various other entities, school districts, fire districts, libraries and such like that. But tonight what we are here for is to talk about the water project and what's been summarized here. The first thing is, I don't have any additional slides. There are a couple of things that I guess I want to preface what I have heard. Linda I remember very clearly a lot of what Clearwater did and I would like to say thank you to them. I think it was something that they did that was very important for the Town. It brought a lot of perspective to a lot of what we were doing. It's perspective that I think you all need to continue to have as part of the record as you move forward. I do want to clarify that it is not my recollection, nor is it my belief that the Clapper Road using it or not was ever put to vote. It was not a vote of the people. It is my recollection and we have talked about it that there is no official Town policy to

either use it or not use it for residential purposes. It was a decision that was made several years ago, really without the benefit of a full hearing which I believe you all have had if this is the 3,4,5 presentation. At 20/20 we have also had a few renditions and presentations in regard to that. And based on that what I handed to you this evening and it was sent to electronically today, is a statement from the 20/20 group. It's with the benefit of several conversations, the presentations that we have had with the staff. Some of us have brought some historical perspective. As you know George's and mine former lives here I think came to that. There are a couple of things I would like to go over. First, I think this is the most important thing, I know Dr. Daviro did his presentation on it, but I want to start with it. This water is safe. 7300 hundred tests later, it's safe. I've grown up in this Town, I have 2 children in this Town, just about everybody here has a vested interest in here. I believe, as the committee members, if we did not believe this was safe, we not be standing here tonight saying and adopting the findings we have had. Health and safety clearly is the committee's first and foremost concern. I know that is important in your consideration. The second thing we would like to put forward is obviously we are in difficult times. It's not just the Town, it's the state, the federal and our own homes, in regard to fiscal challenges that we have. I know you're in the process of doing your budget and this is a big piece of what's going into this year's budget. After looking at all this and considering all the different factors that you've heard this evening, we at 20/20 believe that Clapper Road is the best alternative because it does in the long haul create the lowest tax alternative for the tax payers. Not just now but as you move forward. You've got lower front end, it clearly in the committee's perspective, is from a fiscal perspective, is the best possible alternative and it creates the most flexibility. There has been some chat about the Albany water contract that was entered into to several years ago and the cons of it. Certainly there are issues and as I said to someone about 2 weeks ago, hind sight is 20/20 and the Monday morning quarterback but using the Clapper Road alternative now creates flexibility and it does create alternatives that we didn't have back when we entered that contract. We were in a situation, we were in a drought, we didn't have the advantage of 7,300 tests coming out of Clapper. There were several things that were different. I know it difficult to move from the mid 90's when we had started this conversation. But things are very different. I urge you to look at all of that and put it in perspective as we sit here tonight. Clapper Road alternative, we believe, provides the greatest flexibility to meet the long term needs. You heard from Cristo tonight in regard to retaining that economic development piece that we have here but it's also, using our economic development group, we believe it creates the most flexibility in regards to expansion and hopefully of attraction of that new economic development. Joanne, I think you raised a very good question about that and it's something that we have asked the staff. If we can attract the economic development that we think we can, will we have the water to provide to them. We think the Clapper Road alternative gives us the most flexibility. We do have the capacity to grow that to 12 million gallons per day if we had to and wouldn't that be a nice problem to have. Finally we think the unification of the 3 major water supplies in regard to the benefits to the Town residents. There were times when I was Supervisor when I was receiving calls from people from the southern part of Town, western part of Town. They didn't have water. Pressure was down, everything was dry. There is nothing worse, we take very much for granted going to the faucet to get a drink, all those things we do everyday. If you don't have that water, there's nothing more upsetting, not only to the person calling you, but in the position of Town officials trying to provide that. So the water pressure and the minimization of the disruptions are very important. You have in front of you a statement that 20/20 has provided to you in regard to our endorsement of the Clapper Road plant. I would note that is a unanimous decision. It is unanimously signed by everyone except for one person who did not have the benefit of any of the 6 or 7 presentations that have been given. So Jim asked to be kept off, not because he does not believe in it. We believe strongly that this is the best recommendation not just for now but moving into the future. We want to thank you at 20/20 on behalf of all the members, thank you for the opportunity for to provide you the input and we look forward to working with you on various other issues.

Suzanne Traylor, Town Comptroller: I wasn't planning on making a comment but there was a slide that I've seen several times and I wanted to make a comment about the slide. I wish you could actually extend that slide to 2030, Kyle as you mentioned earlier. One thing that is very significant about that slide is that the debt goes away in 2023. The obligation to pay for the Clapper Road plant is gone. In 2024, we have paid for the plant. One of the first things I asked when I first starting working for the Town was why did we build a plant that we're not using. I didn't understand it. I took a tour, I've been up to see the New Salem plant, the Clapper Road plant, one is modern, one is not so modern. I was just trying to understand the finances. I prepare the footnotes for the financials, I report on the debt service and I just didn't understand why we had this huge obligation for water plant we weren't using. I think that you understand now, there were many issues I didn't understand at the time. It is important to note that in 2023-24 we've paid for it. One other comment I'd like to make. It's interesting for me, I've lived in New York a long time now, probably more than I lived in Colorado. I grew up in Colorado, not in the Rockies but in the western part of the state which is arid and dry, part of a desert. I grew up in Grand Junction and they call it Grand Junction because it's the junction of 2 big rivers, the Gunnison and the Colorado. Now if you've been to Grand Junction you'll probably think because you're from New York and you have the Hudson, that they look like 2 streams. You have to realize the Colorado River goes all the way to California. Many people along that river depend on that water to irrigate the peach trees, the grape vines, the apricots, everything in that valley. I played in that water, grew up there. Many, many people drink water that is silty, brown and not as clear, even though it's a class C river, I hate to think what the Colorado River is. It's definitely not as clear as the Hudson. I just wanted to let you know that because I think it's amazing that we have all of these choices in this abundance. We are truly blessed to have water in New York.

Mike Tucker, president for the Center of Economic Growth – 115 Huntersfield Road; I would like to speak in support of the Clapper Road proposal for number of reasons. One, I think it provides the Town and the residents with a clear supply of quality water that will insure future success, not only in terms of residential development but in terms of commercial development. Many of you may recall I served for 5 years as chairman of the Bethlehem Industrial Development Agency. During that time I worked together with many of you to insure that we were able to continue to work together to grow the commercial tax base while maintaining the residential character of the community. I think that's a very important component as a resident of the Town. What I would like to share with you tonight is a broader perspective, a more regional perspective. The Center for Economic Growth is a 300 member business, government, education and not for profit sector organization covering 11 counties here in Tech Valley and we look at the infrastructure opportunities that are necessary to grow and sustain this region. To take advantage of the tremendous investment the State of New York and the private sector, such as Global Foundaries, IBM, General Electric and other companies have made. We are looking at not only at that investment but at the spin off jobs and opportunities that will come from those exciting investments that will be made throughout the region. We hope to attract many of those supply chain companies and existing companies that will expand because of the investment that has been made to the Capital region and to Bethlehem. The Center for Economic Growth is pleased to have the Town of Bethlehem and the Bethlehem IDA as a strong member. We're pleased to have the Supervisor participate in our local government council. We believe that that partnership and that centergy will ensure projects like Vista, projects along the Rt. 9W corridor, other projects will truly help to expand the industrial and commercial tax base so this community will be able to sustain its historic role as a place for families to live and to grow and to be able to enjoy the quality of life that this region and this Town provides. Our growing existing companies attract new business and investment and prepare the region for smart growth agenda at the Center for Economic Growth ties well into this initiative. Site selectors look for quality water, they look for opportunities for sites that have municipal services and I think that the investment that you make today, is an investment of water and development independence that will position the Town for years to come in terms of insuring multiple supplies, quality supply and quantity of supply that you may or may not need but you'll have the flexibility. So I ask the Board both as a resident and behalf of the greater capital region community, to support this initiative and to vote yes for the Clapper Road Alternative.

SM: Are there any other members of the public that want to comment?

James Ebersole, 36 Bridge St.; I wanted to speak out in support of option number 3. I think everything we've heard has told us that today the Clapper Road supply is an adequate supply, it eliminates us from being hostage to future water contracts with the city of Albany. Back in 1994, the time frame when Clearwater was looking at the options of Clapper Road and the controversy. We've had a lot of time that has passed by that has told us that water is safe and will provide an adequate supply for the Town and give us a little more flexibility and freedom going forward. It's a very low cost option, I can't see that the people would want to pay an additional 40% to the existing contracts with Albany and then at the end of those contracts we're subject to whatever the Albany water Board wants to do. We have 2 possible sources one of which just opening the valve, do some small improvements and going forward if we need to improve the New Scotland supplies then we can do so. As for it being Hudson River water, it all comes form the surface sometimes and filters down to the ground water. Some of our existing supplies including that from Albany are surface water supplies and subject to runoff of pesticides and things from farms which has to be treated and cause a problem with reaction with chlorine. I'm in Slingerlands so get some more of that chlorine than say someone down in Selkirk so I now understand why. It seems a good option for us moving forward. So give it serious consideration.

Mike DeAmbrosio 16 East Bayberry Road; I'm one of the guys that makes your water at both plants. I have a 2 way license that allows me to produce water at both plants under the direction of a 1-A operator. I have just completed one of the 1-A classes in hopes of probably getting the other license. I did have a lot to say but apparently it's already been said. The water at the Clapper plant is obviously good water, its test prove that. The source is really not the issue, everyone thinks the source is the issue but the tests have proven that the water is good water, better or just as good as any other water we drink. We don't eat raw chicken; you cook your chicken because if you eat it raw you get sick. So maybe there's junk in the raw water from the river, there's junk in the water from the Vly reservoir. Surface water contains all kinds of contaminants and whatnot and it's treated. As the people from Clearwater argue well it's not river water but it's under the influence of river water. Those wells, the heights of those wells actually rise and lower with the tide change. So it is influenced, so if it's actually water from the river, maybe yes, maybe no but once again the source is not the issue. The other point that I'd like to make, is we're still paying for that plant. Why wouldn't we use it to its fullest capacity. You don't buy something and park it in your garage just to say that you have it. We should have been using this plant all along, it was a bad decision way back when it was made not to open the valve and to purchase from Albany. What happens at the end of the contract? We're going to succumb to Albany saying now we're going to charge you this much for your water or we're not going to give you water and now we don't have the capabilities of producing our own water.

Councilman Hennessey: It's been an interesting night because you get a chance to hear a discussion from a number of professional engineers and people in the community about what their concerns are, what their hopes are, what their beliefs are about this system. When it comes to government the things that are done in the dark really don't have a value past when you do them. There have been decisions made over time that were good decisions at the time, bad decisions at the time, based on the information that was in front of them. We thought,

all of us, everyone on the Town Board, thought it was really important to have this conversation about what this really looks like and have the opportunity to talk about this a number of times. I'm very thankful to the Town engineer and to all the people that work in public works. They've taken the time to go through this process to show us exactly what it all looks like. There's still questions that we all have that need to be resolved before we can move forward on what's the best choice here. But it's \$140,000,000 or \$130,000,000 depending on the options that we pick. So it's one of those decisions that we just can't make on the basis of one night of discussion or one meeting we might have or a series of meetings behind closed doors. So I'm glad we're all here to talk about this and I'm glad that there were people here in support and people that may still have concerns. We're going to make the right decision but we're going to make the right decision only because of the information you have given us here tonight. I want to thank everyone who came here to talk to us and I want to thank the Town staff for the work they put into these presentations. Thank you.

A motion to close the Public Hearing was offered by Councilman Jordan, seconded by Councilman Hennessey and approved with the following vote:

Yeas: Supervisor Messina, Councilwoman Dawson, Councilman Hennessey, Councilman Jordan
Councilman Kotary

Nays: None

Absent: none

The public hearing closed at 8:25pm.

Supervisor Messina said he was ready to put forth a motion to maximize the Clapper Road plant by accepting the recommendation of our town engineering staff.

A motion to accept the recommendation of the Town Engineering staff, the 20/20 committee, the business leaders and the overwhelming majority of Town residents who have appeared at this hearing, to maximize the Clapper Road alternative and to flip the switch was offered by Councilman Jordan, seconded by Councilman Kotary, discussion

Councilman Hennessey didn't think the Board would take action on this now. He thought there were still outstanding concerns. He didn't understand the rush. Supervisor Messina said it was determined that the water was safe and the issue has been out for public review for awhile on the WEB site, in the E-news and in Our Town. He thought it was time to go forward. Councilwoman Dawson said that action on this issue was not on the agenda, so the action was not advertised. She asked if it wouldn't be better to wait until the next meeting and add it to the agenda. Councilman Jordan asked Mr. Potter if his motion could have been brought up under new business. Mr. Potter said he could have made that motion. There has been an occasion where an action was taken after a public hearing without the action being on the agenda. The Board could table or proceed with the motion. Councilman Jordan felt that the decision was an executive one but the Supervisor had a series of public meetings and a decision had to be made. He didn't think it would help in delaying the decision. Councilman Hennessey thought there were people still with unanswered questions. This was a fundamental change in the way the Town does business. Councilman Kotary said he thought tonight was for the public hearing. He had made a decision on the evidence put forth before him. He thought the Board and the public had opportunities to voice their opinion. He understood the feelings of Councilman Hennessey but had come to the public hearing to find out the feelings of the public and was willing to change his decision if there had been an over whelming response from the public in the negative. There was not, but he would wait if the majority of the Board wanted to wait.

Supervisor Messina thought it was in the best interest of everyone to go forward with the motion. He called for a vote.

The motion passed with the following vote:

Yeas: Supervisor Messina, Councilwoman Dawson, Councilman Jordan, Councilman Kotary

Nays: Councilman Hennessey

Absent: none

APPROVAL OF 9/22/10 MINUTES-----

A motion to approve the Town Board minutes as drafted was offered by Councilman Jordan, seconded by Councilman Kotary and approved with the following vote:

AYES: Councilwoman Dawson, Councilman Hennessey, Councilman Jordan, Councilman Kotary

NAYES: none

ABSENT: none

ABSTAIN: Supervisor Messina

REQUEST FROM THE SUPERVISOR TO APPOINT STEPHEN P. ROSENBLATT TO A VACANT VOLUNTEER POSITION ON THE BETHLEHEM'S INDUSTRIAL AGENCY

A motion to approve the Supervisor's request to appoint Stephen P. Rosenblatt to a vacant volunteer position on the Bethlehem's Industrial Agency was offered by Councilwoman Dawson, seconded by Councilman Kotary and approved with the following vote:

AYES: Supervisor Messina, Councilwoman Dawson, Councilman Hennessey, Councilman Jordan, Councilman Kotary

NAYES: none

ABSENT: none

PRESENTATION BY COUNCILMAN HENNESSEY OF A PROPOSED POLICY REGARDING WEB POSTING OF TOWN BOARD AGENDA ITEMS AND OTHER PUBLIC INFORMATION

Councilman Hennessey said the purpose of the policy was to release the attachments that the Town Board sees that are with the agenda items. If there is an issue with the release of the attachments, a checklist stating why the attachment will not be released will be released. This is the ninth version of the policy and many people have contributed to its creation.

A motion to approve Version #9 of the Town of Bethlehem's Policy Regarding WEB Posting of Town Board Agenda Items and Other Public Information was offered by Councilman Hennessey, seconded by Councilwoman Dawson and approved with the following vote:

AYES: Supervisor Messina, Councilwoman Dawson, Councilman Hennessey, Councilman Jordan, Councilman Kotary

NAYES: none

ABSENT: none

REQUEST FROM TOWN PLANNER TO CONSIDER EXTENSION OF TIME FOR COMMENCEMENT OF CONSTRUCTION ACTIVITY AT MEADOWBROOK SECTION 3 PLANNED DEVELOPMENT DISTRICT

Supervisor Messina said the Draft2 Amendment No. 1 to B.P.A. No. 36 extends the construction start date to November 3, 2011.

A motion to grant the approval as drafted was offered by Councilman Jordan, seconded by Councilwoman Dawson.

Prior to voting Mr. Ted Gladstone presented his request to the Board. He said due to the economy he has been unable to sell his approved project to a developer. The amount of foreclosures is causing a slow down in new projects. He was requesting a two (2) year extension instead of one (1). It would take a year to find a buyer and close the deal but it would be unlikely that construction could start in that time frame. Mr. Lipnicky said that if this project was a regular subdivision instead of a subdivision in a PDD, he wouldn't have this problem.

Councilman Jordan amended his motion to grant the approval for a two (2) year extension of the construction start time for the Meadowbrook 3. The new date will be November 3, 2012. Seconded by Councilwoman Dawson and approved with the following vote:

AYES: Supervisor Messina, Councilwoman Dawson, Councilman Hennessey, Councilman Jordan, Councilman Kotary

NAYES: none

ABSENT: none

TOWN OF BETHLEHEM
ALBANY COUNTY, NEW YORK

AMENDMENT NO. 1 TO
BUILDING PROJECT APPROVAL NO. 36

MEADOWBROOK SECTION 3

Amendment No.1
to B.P.A. No. 36

Date: October 13, 2010

TO: Gladstone Development Corporation
35 Mason Street
Greenwich, CT 06830

- I. The Town Board of the Town of Bethlehem, at a meeting held October 13, 2010, approved an amendment to the Building Project known as "Meadowbrook Section 3 Subdivision". This Amendment alters the required start of construction date for the Building Project as specified in Building Project Approval No. 36, dated November 3, 2008, Paragraph A-4. Construction work shall now commence on this Building Project no later than November 3, 2012.
- III. The changes approved by the Town Board were not considered of sufficient magnitude to require that a public hearing be held to consider this Amendment.
- IV. Prior to the approval of this Amendment, the Town Board considered the Amendment a Type II action requiring no further determinations pursuant to the State Environmental Quality Review Act.
- V. All other conditions and requirements specified in Building Project Approval No. 36, dated November 3, 2008, shall remain in full force and effect, except as amended herein.
- VI. The effective date of this Amendment is October 13, 2010.

BY ORDER OF THE TOWN BOARD

Supervisor, Town of Bethlehem

The request by the Fleet manger to dispose of surplus vehicles and equipment at auction at Auction International in Buffalo did not make it onto the agenda released to the members of the town Board and the public. It was moved to new business.

NEW BUSINESS

REQUEST BY THE FLEET MANAGER TO DISPOSE OF SURPLUS VEHICLES AND EQUIPMENT AT AUCTION AT AUCTION INTERNATIONAL IN BUFFALO.

A motion to allow the Fleet Manager to dispose of surplus vehicles and equipment at Auction International in Buffalo was offered by Councilman Kotary, seconded by Councilman Jordan and approved with the following vote:

AYES: Supervisor Messina, Councilwoman Dawson, Councilman Hennessey, Councilman Jordan, Councilman Kotary
NAYES: none
ABSENT: none

REQUEST FROM THE TOWN CLERK TO SET A PUBLIC HEARING DATE FOR THE PROPOSED AMENDMENT TO TOWN OF BETHLEHEM TOWN CODE, CHAPTER 61, DOGS, ARTICLE II, LICENSE FEES ON NOVEMBER 10, 2010 AT 6:00PM.

A motion to set a Public Hearing on the proposed amendment to Town of Bethlehem Town Code, Chapter 61, Dogs, Article II, License fees on November 10, 2010 at 6:00pm was offered by Councilwoman Dawson, seconded by Councilman Kotary and approved with the following vote:

AYES: Supervisor Messina, Councilwoman Dawson, Councilman Hennessey, Councilman Jordan, Councilman Kotary
NAYES: none
ABSENT: none

PUBLIC COMMENT ON NON-AGENDA ITEMS-----

PUBLIC ANNOUNCEMENTS -----

There will be an additional budget workshop on October 20, 2010 at 7:00PM. It is open to the public.

A motion to adjourn to executive session for a matter with potential litigation was offered by Councilman Jordan, seconded by Councilman Kotary and approved with the following vote:

AYES: Supervisor Messina, Councilwoman Dawson, Councilman Hennessey, Councilman Jordan, Councilman Kotary
NAYES: none
ABSENT: none

A motion to adjourn the meeting was offered by Councilwoman Hennessey, seconded by Councilman Kotary and approved with the following vote:

AYES: Supervisor Messina, Councilwoman Dawson, Councilman Hennessey, Councilman Jordan, Councilman Kotary
NOES: none
ABSENT: none

The regular Town Board meeting closed at 9:05 PM.

Nanci Moquin
Town Clerk

EXECUTIVE SESSION

The executive session was called to order by Supervisor Messina at 9:01 PM.

A motion was made by Councilman Kotary and seconded by Councilman Jordan to authorize the Supervisor to execute a contract with MR Valuation for a preliminary valuation of a specified property of up to \$20,000, and for a court ready appraisal, if need, of up to \$25,000. Further, the motion included authorization to expend up to \$20,000 for the preliminary valuation.

The motion was passed with the following vote:

Yeas: Supervisor Messina, Councilwoman Dawson, Councilman Hennessey, Councilman Jordan
Councilman Kotary
Nays: None
Absent: none

A motion was made by Councilman Kotary and seconded by Councilman Jordan to accept Special Council Joshua J. Effron's recommendation to settle a proceeding in Supreme Court (Jakovic v. Town of Bethlehem) on a real estate assessment matter at a negotiated reassessment value of \$185,000

The motion was passed with the following vote:

Yeas: Supervisor Messina, Councilwoman Dawson, Councilman Jordan, Councilman Kotary
Nays: Councilman Hennessey
Absent: none

A motion was made by Councilman Kotary and seconded by Councilman Jordan to accept Special Council Joshua J. Effron's recommendation to settle a proceeding in Supreme Court (Kelp v. Town of Bethlehem) on a real estate assessment matter at a negotiated reassessment value of \$180,000.

The motion was passed with the following vote:

Yeas: Supervisor Messina, Councilwoman Dawson, Councilman Jordan, Councilman Kotary
Nays: Councilman Hennessey
Absent: none