

TOWN BOARD
MARCH 24, 2004

A public hearing 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 Deputy Supervisor called the meeting to order at 5:30 p.m.

PRESENT: Daniel Plummer, Councilman
George Lenhardt, Councilman
Thomas Marcelle, Councilman
Tim Gordon, Councilman
Kathleen A. Newkirk, Town Clerk
James T. Potter, Esq., Town Attorney

ABSENT: Theresa Egan, Supervisor

DEPUTY SUPERVISOR PLUMMER: Let me just start by saying our Supervisor, Theresa Egan, is out of the state. She is visiting selected technology parks and she is meeting with the various community leaders at those respective parks to obtain as much information knowledge and information as she can to apply that to here.

GENTLEMAN: Your mike is not on.

TOWN CLERK NEWKIRK: Just have to get closer to it.

COUNCILMAN LENHARDT: You got to really talk right into it.

DEPUTY SUPERVISOR PLUMMER: I just said our Supervisor, Terri Egan, is not here tonight. She is out visiting various technology parks out of the state and meeting with various community leaders in those respected areas to gain as much knowledge as she can. She will be back at the next meeting. So, tonight you get me and with that, we will start with the pledge of allegiance.

Okay. First item on the agenda is a public hearing. Ms. Newkirk will you read the call of the hearing, please.

TOWN CLERK NEWKIRK:

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Bethlehem, Albany County, New York will hold a public hearing on March 24, 2004 at 5:30 p.m. at the Town Hall, 445 Delaware Avenue, Delmar, NY to consider making an application to the Small Cities Community Development Block Grant program for the South Albany Water/Sewer District. The application will be to secure financial assistance for necessary water and sewer improvements to the district.

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

The Town of Bethlehem provides reasonable accommodations for the disabled. Disabled individuals who need assistance in order to participate should contact the Town Clerk's office at 439-4955, ext. 183. Advanced notice is requested.

BY ORDER OF THE TOWN BOARD
TOWN OF BETHLEHEM
KATHLEEN A. NEWKIRK, CMC,RMC
TOWN CLERK

State of New York)
County of Albany)

C. FLEMING/A.COOPER of the City of Albany, being duly sworn, says that he/she is the PRINCIPAL CLERK OF THE TIMES UNION, a daily newspaper printed in the County of Albany, Town of Colonie and published in the County of Albany, Town of olonie and the City of Albany, aforesaid and that notice of which a printed copy is annexed has been regularly published in the said ALBANY TIMES UNION on the following dates:
03-11-2004.

/s/ A. D. Cooper

Sworn to before me this 11th day of March 2004.

/s/ Jean M. Hill
Notary Public, Albany County

STATE OF NEW YORK)
COUNTY OF ALBANY) ss.:

KATHLEEN A. NEWKIRK, being duly sworn, deposes and says that she is the Town Clerk of the Town of Bethlehem, Albany County, New York and that I posted on March 12, 2004, a Notice of Public Hearing, a copy of which is hereto attached, on the sign board of the Town maintained pursuant to subdivision six of Section thirty of the Town Law.

/s/ Kathleen A. Newkirk
Town Clerk

Sworn to before me this
24th day of March 2004.

/s/ Catherine T. Picarazzi
Notary Public

The motion was made by Mr. Lenhardt and seconded by Mr. Gordon to indent the Notice of Public Hearing, Affidavit of Publication and Affidavit of Posting on the minutes of the meeting. The motion was passed by the following vote:

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

DEPUTY SUPERVISOR PLUMMER: We have a presentation.

MR. LEVEILLE: Vollmer Associates is here the consulting engineering assisting us with this project.

GENTLEMAN: The mike is off.

MR. LEVEILLE: We have Vollmer Associates, consulting engineering firm to the Town assisting us with this project here to make a brief presentation. I would like to note that we did send personal letters to each of the residents of Curry Road notifying them of this hearing with the idea of really promoting public input about our application and our attempt to find funding to improve the water and sewer district in South Albany. So, I'd like to introduce Keith Menia.

MR. MENIA: Good evening, is there anyone from South Albany District? This is the second of 2 required public hearings in order to make the grant application to

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the Small Cities Program. This is a recap... the last meeting went over the details of the project but in summary, we are going to put a grant application to do a complete water and sewer rehabilitation for approximately 19 homes. These projects when concluded reinstallation of the water and sewer mains, as well as, the lateral which goes to each house. The estimated cost for the sewer project is \$160,000 and the estimated cost for the water system improvement is \$150,000.

Now in the initial study we determined that it was probably not cost feasible for the residents to pay for the district on their own without some kind of funding. So we are going to make 2 applications, one is going to be to the Small Cities Program and the second one, which is currently being reviewed, is to the Clean Water State Revolving Fund. We have heard back from them an initial determination and they have determined that we qualify for a zero percent interest loan for the sewer project. If this goes through, that will probably save around \$85,000 plus some interest payments. So, we are making some progress in getting the cost down to the users.

We will be submitting the application probably Thursday of next week. It is due April 5th and we have the draft right here. We went down to the Small Cities Program Coordinator today and we had an initial review and they were very positive about this project. It is something they would like to fund. So, we've got some good feedback as far as that goes.

We'd like to open it up to some questions.

DEPUTY SUPERVISOR PLUMMER: Is the Small Cities... is that application a grant or is that for a low interest loan?

MR. MENIA: Small Cities is a grant.

DEPUTY SUPERVISOR PLUMMER: Okay.

MR. MENIA: So, it's free money if we get it. There's no payment.

DEPUTY SUPERVISOR PLUMMER: And, how much are we asking for?

MR. MENIA: We are asking for approximately... well, the actual number is \$318,000.

DEPUTY SUPERVISOR PLUMMER: That's roughly, the cost of the entire project...

MR. MENIA: Yes, we're asking for the whole thing and if they can come up with the whole amount, great. If they can only do a partial... I mean because there are a lot of programs that would like to get this money, we would have to go with the sewer project first because we are under a consent order to mitigate the problems out there.

DEPUTY SUPERVISOR PLUMMER: And, you'd use the low interest or the zero interest loan for the balance.

MR. MENIA: For the sewer project, yes. There is coordination between the two funding sources, so they will try to put together the best package for this district.

DEPUTY SUPERVISOR PLUMMER: Okay. Any questions?

MR. ARNHEITER: There was some action made this past summer about some leakage and I understand that a... somebody came in and checked it and found that there were no leaks. And, we're here today to find out. We never heard anything about whether it was successful. Did they find anything? I'd like to know that before I approach any other questions.

DEPUTY SUPERVISOR PLUMMER: Sir, I'm sorry, could I just please get your name for the record? We have to do that.

MR. ARNHEITER: Ed Arnheiter.

DEPUTY SUPERVISOR PLUMMER: Okay, thank you.

MR. MENIA: Yes, we did do some leak detection. I guess there was an acoustic site on for the water system and they did not find any leaks at the time. With the water project we are looking to replace the water main in conjunction with the sewer project. The water main is installed directly above the sewer main, which is not up to State standards of the Health Department. With the sewer there were some places where, we believe, there are some cracks in the pipe and when it rains really hard, the water seeps into it and that's where we have the violation because the septic field cannot keep up with the flow so they had to bypass and discharge directly to the stream. That's where the Health Department stepped in and issued an order on consent. They had us look for leaks and ... for infiltration. We suspect it is all through it because it's just getting 80 years old infrastructure and that's about the end of its useful life.

DEPUTY SUPERVISOR PLUMMER: Okay.

MR. ARNHEITER: The leaks... the amount of water used to me seems to be a little more than what... what 15, 20 houses would take so to me that seems to be something wrong otherwise. I know the water line runs down the median where... right down Currey Avenue. I've seen trucks and big heavy vehicles parked in that median and I think one thing if that could be restricted I think that might help. I know I was around when they dug that trench for the water line and I think they dug it fairly deep but the way things have been you never know. And, I was surprised to hear that no leaks were found. And, we keep hearing that there is a lot of water usage. And, I think... I would say that I don't like to add any expense but I do believe for the benefit of people on the street that water meters are put in the homes and then you have a fair evaluation. Each one pays according to its use. There are 3 or 4 houses down there that have swimming pools okay and these are above the ground. And, I know one or 2 of them that in the summertime when it goes down there is no way of knowing whether that water that they fill the pool with is seeping in the ground or they are putting water replacement just for normal usage like the way the sun dries it out or whatever.

That's what I would suggest.

MR. MENIA: Sure. To kind of go along with what you are saying, they did do the leak inspection between the well which is located over at the east end of the subdivision and the treatment building which is over on the west end. There is a pipe that runs down the street here, that's the newer of the pipe that you probably witnessed the installation of and that length is okay. That's the new pipe that is not leaking. We suspect that from the meter that is located over here and just the number of homes, something doesn't add up. This is putting out a lot more water than it should for the 19 homes. We do suspect that there are some leaks or some people are using a lot more than they typically would... typical homeowner would.

As part of this project, we are requesting meters be installed in each house.

MR. ARNHEITER: Since this started... they all may know it. Anyway, what I would like to know too is that exactly how many homes are on the water system? Are there connections to those houses that don't use the water? I understand on the end of the street there's a 2 family house, whether there is a water connection into that house. Now, I don't know how it's regulated, whether it's shut off or whether they can have access to it. And I think, perhaps, there are several other buildings on there that don't use the water or not supposed to let's say.

MR. MENIA: We... because the infrastructure is so old, we don't have good

record drawings of where everybody is connected. We suspect that there are 19 houses along here. There's a gentleman who lives up here on the north side of Currey Avenue and there's also one over here and we believe this one is in and we know that this one is in. It's unfortunate to say but the only way we're going to find out who's on the system is when we shut it down to do it and make the switch over. But, that's still only going to be a couple hours ... or something like that. When we have the meters hooked up, we'll also be able to check and count where the water users are.

DEPUTY SUPERVISOR PLUMMER: Okay. Any other questions? Yes, ma'am.

MRS. CURREY: I'm Ann Currey from Currey Ave and tonight are they approving it or... is that what this is to do?

DEPUTY SUPERVISOR PLUMMER: Tonight's purpose... this is... we'll vote on the resolution to submit the application.

MRS. CURREY: Okay, because as a resident of Currey Ave I just wanted to voice that since I've lived there for 20 years, three times the sewer system has backed up into our basement. It has been a sewer problem. They've come down and fixed it and rectified whenever something was clogged in the pipes, whatever. I would say about 10 times out of the 20 years; we'll wake up in the morning and no water. You know, you go to turn the water on and the pump has broken down or something. It is a concern down there. You know, like I say the system is 80 years old and we would appreciate anything that can be done to get this system changed.

DEPUTY SUPERVISOR PLUMMER: Okay, yes. That's what we are trying to do.

Okay, anyone else. Any questions from the Board?

Motion to close the hearing.

The motion was made by Mr. Lenhardt and seconded by Mr. Marcelle to close the public hearing at 5:50 p.m. The motion was passed by the following vote:

Ayes: Mr. Plummer, Mr. Lenhardt, Mr. Marcelle, Mr. Gordon.

Noes: None.

Absent: Ms. Egan.

Town Clerk

Deputy Supervisor Plummer asked if the Board wished to take action on the proposed resolution.

The following resolution was presented for adoption by Mr. Lenhardt and seconded by Mr. Marcelle:

WHEREAS, the Town of Bethlehem, South Albany Sewer District is served with a consent order from the New York State Department of Environmental Conservation (NYSDEC) to mitigate violations of the State Pollutant Discharge Elimination System (SPDES) Permit, and the Distribution System for the South Albany Water District is in need of improvement, and

WHEREAS, the estimated project cost for the Sewer District improvements are \$168,150, the estimated project cost for the Water District improvements are \$149,860, the total estimated project cost for the Sewer and Water District improvements is \$318,010,

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Bethlehem hereby authorizes the Town Supervisor to submit the application to the New York State Community Development Block Grant Small Cities Program in the amount of \$318,010.

The foregoing resolution was passed by the following vote:

Ayes: Mr. Plummer, Mr. Lenhardt, Mr. Marcelle, Mr. Gordon.

Noes: None.

Absent: Ms. Egan.

The next agenda item was to approve the Town Board minutes of March 10, 2004.

The motion was made by Mr. Lenhardt and seconded by Mr. Gordon to approve the March 10, 2004 Town Board minutes as presented. The motion was passed by the following vote:

Ayes: Mr. Plummer, Mr. Lenhardt, Mr. Gordon.

Noes: None.

Abstain: Mr. Marcelle.

Absent: Ms. Egan.

The following item was a request from Engineering Division, DPW, for approval of house number modification for 329 Glenmont, Road, Glenmont, Town Squire Shopping Plaza. Deputy Supervisor Plummer explained that the individual stores would have unit numbers for safety and mail purposes.

The motion was made by Mr. Lenhardt and seconded by Mr. Gordon to approve the house number modification for 329 Glenmont Rd, Town Squire Shopping Plaza as requested by Terrence Ritz, Engineering Division as follows:

Kmart Department Store	Unit #9	Mayone's Liquor Store	Unit #17
Angela's Pizza and Pasta	Unit #19	Curves for Women	Unit #21
KEM Cleaners	Unit #22	KD Hallmark Store	Unit #24
Hair Studio	Unit #25	Pioneer Bank	Unit #27
Steiner's Sports	Unit #30	Radio Shack	Unit #34
Mr. Subb	Unit #35	Fleet Bank	Unit #37
South Wok Restaurant	Unit #39	Price Chopper Supermarket	Unit #44

The motion was passed by the following vote:

Ayes: Mr. Plummer, Mr. Lenhardt, Mr. Marcelle, Mr. Gordon.

Noes: None.

Absent: Ms. Egan.

The following agenda item was a request from Building Inspector, Mark J. Platel, for approval of renewal of dumping permit, Route 9W and Old Town Road, Selkirk.

The motion was made by Mr. Marcelle and seconded by Mr. Lenhardt to approve the renewal of a dumping permit (clean fill) for Ken Gonyea of Coeymans Hollow, NY for Route 9W and Old Town Road, across from the Stewart's Shop as requested by Building Inspector, Mark J. Platel. The motion was carried by the following vote:

Ayes: Mr. Plummer, Mr. Lenhardt, Mr. Marcelle, Mr. Gordon.

Noes: None.

Absent: Ms. Egan.

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The next agenda item was to consider adoption of a resolution for approval of Republican Election Inspectors and Poll Clerks to work on election days for the year 2004-2005.

The motion was made by Mr. Lenhardt and seconded by Mr. Marcelle to approve the adoption of the following resolution:

RESOLVED, that pursuant to Article 3 of the Election Law, the following person be and they hereby are appointed Election Inspectors and Poll Clerk's as recommended by the republican Committee for the term beginning July 14, 2004 through July 14, 2005 as per list (on file in the Town Clerk's office)

The resolution was adopted by the following vote:

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

The next item was a request from Commissioner of Public Works, George Leveille, for approval of award of bids for Chemicals.

The motion was made by Mr. Lenhardt and seconded by Mr. Gordon to approve the award of Chemical bid to George S. Coyne Chemical Co, Croydon, PA and JCI Jones Chemical, Merrimack, NH at various bid prices as noted in the specifications and recommended by George Leveille, Commissioner of Public Works. The motion was carried by the following vote:

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

The following agenda item was a request from Engineering Services Administrator, Michael Cirillo, for approval of acceptance of deeds and bonding for Terramere PRD, Slingerlands.

The motion was made by Mr. Gordon and seconded by Mr. Lenhardt to approve the acceptance of eight (8) deed and easement documents (for the purpose of grading and drainage easements) for Terramere PRD as requested by Michael Cirillo, Engineering Services Administrator. The motion was carried by the following vote:

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

The following item was a request from Michael Cirillo, Engineering Services Administrator, for approval of acceptance of a sidewalk easement on Elsmere Avenue.

The motion was made by Mr. Lenhardt and seconded by Mr. Marcelle for to accept one (1) deed document for a sidewalk easement across 137A Elsmere Avenue, Delmar, NY from Michael Cirillo as Executor of the Estate of James Cirillo, 137A Elsmere Avenue, Delmar as requested by Michael Cirillo,

Engineering Services Administrator. The motion was carried by the following vote:

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

The next item was a request from Engineering Services Administrator, Michael Cirillo, for approval of permanent easement to Albany County. Deputy Supervisor Plummer explained that Albany County is going to construct a new bridge over Jericho Road and there is Town land that is needed for this construction. He further noted once the Board approves this, the document would go to the County Legislature. Following their approval, it will then be returned for the Supervisor's signature.

The motion was made by Mr. Gordon and seconded by Mr. Lenhardt to approve the granting of a Permanent Easement for County Route 53 (Jericho Road) to Albany County as requested by Engineering Services Administrator, Michael Cirillo. The motion was passed by the following vote:

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

The next item was a request from Engineering Services Administrator, Michael Cirillo, for approval of release of bonding for the Barber Subdivision.

The motion was made by Mr. Lenhardt and seconded by Mr. Marcelle to approve the release of bonding for the Barber Subdivision as requested by Michael Cirillo, Engineering Services Administrator. The motion was passed by the following vote:

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

The following item was a request from Administrator, Nan Lanahan, Parks and Recreation Department, for approval of seasonal personnel.

The motion was made by Mr. Gordon and seconded by Mr. Marcelle for approval of appointment of seasonal personnel as listed on the document dated March 24, 2004 and on file in the Town Clerk's office from the Administrator, Nan Lanahan, Parks and Recreation Department at the titles and salaries listed.

Councilman Lenhardt noted he would abstain due to past practice noting he has a relative on the list.

The motion was passed by the following vote:

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

The next item was a request from Nan Lanahan, Administrator, Parks and Recreation Department, for approval of award of bid for skid steer loader and equipment trailer. Deputy Supervisor Plummer noted the bid specifications were sent to 4 bidders and there was one bid received.

The motion was made by Mr. Lenhardt and seconded by Mr. Gordon to approve the award of bid for a skid steer loader and equipment trailer to Robert H. Finke and Sons, Inc., Selkirk, NY at the bid price of \$39,331 as requested by Nan Lanahan, Administrator, Parks and Recreation Department. The motion was passed by the following vote:

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

The next item was a request from Administrator, Nan Lanahan, Parks and Recreation Department, for acceptance of donation from School's Out, Inc.

The motion was made by Mr. Gordon and seconded by Mr. Lenhardt to approve the acceptance of donation from School's Out, Inc. in the amount of \$100 as recommended by Nan Lanahan, Administrator, Parks and Recreation Department. The motion was passed by the following vote:

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

The following item was a request from Administrator, Nan Lanahan, Parks and Recreation Department, for approval of the Supervisor signing the Clarksville Playground Agreement. Deputy Supervisor Plummer said this has been done for more than 20 years. He noted Parks and Recreation Department gets reimbursed from the Town of New Scotland for this service.

The motion was made by Mr. Lenhardt and seconded by Mr. Marcelle to approve the Supervisor signing the Clarksville Playground Agreement as requested by Nan Lanahan, Administrator, Parks and Recreation Department. The motion was passed by the following vote:

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

The next item was to acknowledge receipt of the appointment of a Voting Machine Custodian from the Bethlehem Republican Chairman. Deputy Supervisor Plummer noted the appointment was Gregg Sagendorph, Jr., Delmar, NY to the position of Voting Machine Custodian.

The following item was a request from Highway Superintendent, Gregg Sagendorph, for approval to dispose of vehicles at auction held by Northway Auto Exchange, Inc., Clifton Park, NY. Deputy Supervisor Plummer noted it was roughly 15 or 16 vehicles.

The motion was made by Mr. Marcelle and seconded by Mr. Lenhardt to approve the disposal of vehicles as listed in the Memorandum dated March 15, 2004 from Highway Superintendent, Gregg Sagendorph, at an auction to be held by Northway Auto Exchange, Inc., Clifton Park, NY. The motion was passed by the following vote:

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

The next item was a request from Gregg Sagendorph, Highway Superintendent, for consideration of a proposed local law amending the Code of the Town of Bethlehem, Vehicle and Traffic, pertaining to installation of stop signs on Old Ravena Road at Pictuay Road, Selkirk. Could advertise March 31, 2004 and hold public hearing April 14, 2004 at 5:30 p.m.

Deputy Supervisor Plummer asked Mr. Sagendorph to give the Board information about his recommendation. Mr. Sagendorph said this was a request from Mr. John Vadney of Old Ravena Road, Selkirk, NY who is suggesting an all way stop at the intersection of Old Ravena Road and Pictuay Road, Selkirk. He explained it is a "T" intersection controlled by a yield sign on Pictuay Road at Old Ravena Road. He said because of some closures of bridges over the Con Rail tracks, a lot more traffic is going through the intersection and it is felt it would be safer due to sight distance considerations that it become an all way stop. He said the request is to set a public hearing related to the change.

The motion was made by Mr. Lenhardt and seconded by Mr. Gordon to approve setting a public hearing to consider a proposed local law amending the Code of the Town of Bethlehem to permit installation of stop signs on Old Ravena Road at Pictuay Road, Selkirk, NY on April 14, 2004 at 5:30 p.m. The motion was passed by the following vote:

Ayes: Mr. Plummer, Mr. Lenhardt, Mr. Marcelle, Mr. Gordon.

Noes: None.

Absent: Ms. Egan.

The next item was a request from Commissioner of Public Works, George Leveille, for approval of payment to Earth-Tech, Inc. from the escrow account. Deputy Supervisor Plummer explained that this pertains to the Clapper Road facility and the settlement. He said the purpose of this payment is to cover the construction of the test wells and the testing of water quality. He understands all the engineering that went into the construction of the wells and the permitting of the wells. He said the amount is \$785,875.91. He said this money is part of the settlement and not Town of Bethlehem money but third party money.

Councilman Lenhardt said he is confused because in his packet he received a memo dated March 18, 2004 and then tonight there is another memo dated March 18, 2004 essentially saying the same thing asking for an explanation. Comptroller Kehoe said she believed initially that the escrow account was going to be closed out with the disbursement, however, the interest that has been accruing on the account has to be factored in as well. She said the memo left on the table tonight was a revised memo that reflects the interest value in the account as well. She said this payment will almost close out the account but there is about \$42,000 in the expense and operations account left and about \$15,000 in the land acquisition fund. She said as additional work occurs, there will be a similar invoice on this settlement project, which would be reviewed, and the approval requested from the Board. Councilman Lenhardt thanked Comptroller Kehoe.

Councilman Marcelle asked Commissioner Leveille when there will be an update given on how things are proceeding and the likelihood that there will be some water drawn from the system. Mr. Leveille said the Town is within about a month of issuing a report as to where the wells are. He stated the wells were started about 2 weeks ago and tested. He said they are waiting for the results to come back from the lab and it appears from a quality point of view there is adequate water as promised. He stated within 2 weeks or so there should be test data back that will give a much better picture and be able to report to the Board at that time the status of the project. He said he does have Pat Seeley, Counsel, at the meeting in case of any questions to him regarding the settlement agreement. Councilman Marcelle thanked Mr. Leveille.

The motion was made by Mr. Lenhardt and seconded by Mr. Marcelle to approve the payment under the settlement agreement in the amount of \$785,875.91 to Earth Tech Inc. as requested by Comptroller Kehoe. The motion was passed by the following vote:

Ayes: Mr. Plummer, Mr. Lenhardt, Mr. Marcelle, Mr. Gordon.

Noes: None.

Absent: Ms. Egan.

The next item was the approval of the Bethlehem Planning Advisory Committee. Deputy Supervisor Plummer noted the Committee is part of the comprehensive land use that is being advanced. He said there is a list of names that are recommendations from Supervisor Egan. He noted there are 9 names on the list. He said the purpose of the Committee is to work in concert with Saratoga Associates who was hired as Consultant to help develop this comprehensive land use plan. He stated the first meeting of the Advisory Committee would be April 1, 2004 at the Town Hall from 6 p.m. to 8 p.m. He said the Advisory Committee would be meeting at least once a month or more if it deems necessary. He said one of the primary objectives is to make sure there is as much public participation as possible in this process. He stated ultimately this group of 9 individuals will be making a recommendation to the Board and the Board will have to vote. He said whatever comes before the Board will require action by the Board.

Those in attendance were introduced by Deputy Supervisor Plummer and thanked for their willingness to serve on this Committee. He noted this is a significant commitment.

Mr. Jasinski, resident, asked the Board how much time they have had on the choice of the appointees. He said as this was presented, it was stated that the Supervisor recommended these people and asked if the Board had a chance to put any kind of input into this. Deputy Supervisor Plummer noted these were the Supervisor's request noting he had talked to her about some of these people. He said he knows almost all of them and in his view - the Supervisor advances her recommendations -- and the Board can determine how they would like to proceed. He noted he was comfortable with the way this was done. He said many of the individuals have committed a lot to this community already.

Mr. Jasinski asked how much time the Board Members had to look these names over. He said the Board is going to pass a resolution that they are going to turn around and go for a moratorium but this is going to turn around and do either wonders or terrible things for the Town of Bethlehem. He said that is why he has questions. Deputy Supervisor Plummer said he understood but these individuals are not participating in the issue of the moratorium. He said that is going to be driven by the Town Board. He stated these individuals are going to be working with Saratoga Associates in developing the comprehensive plan for the Town. Mr. Jasinski noted the Committee is going to be advising. Mr. Plummer said as it relates to the comprehensive plan. He said things like what should be done with the Code; when should it be changed; and how it should be changed. He said those issues will be done with Saratoga Associates. Mr. Plummer noted as it relates to the moratorium, the Town Board will address that. He noted there is a public hearing set a week from this meeting where there will be comments received and they will be taking a vote as to the moratorium at the appropriate time. Mr. Jasinski thanked Deputy Supervisor Plummer.

Councilman Marcelle said he would like to clarify one of the key functions he feels the Committee will be doing. He informed everyone that the panel comes from a diversity of backgrounds and is more diverse than the Town Board. He said they have the advantages of some people being lawyers, planners and certain expertise, business, farmers -- a spectrum to give the Town Board advice. He wants to make clear to everyone the function is to bring this diverse group of

talents together to make recommendations to the Board. He said the Town Board Members would have to scrutinize what the advice is, consent to it and adopt it as law. He said they are not going to make the law, they will work with Saratoga Associates and Commissioner of Public Works. Followins, the Committee will give the Town Board their best advice. He said the Board does not abdicate their responsibility and he said he does not plan to abdicate his responsibility.

Mr. Jasinski asked as this progresses if it will be published indicating some of the things that are found or some of the things that are recommended. He further asked if it would all wait until the end and then come together. Deputy Supervisor Plummer said this was going to be a very public process and there is going to be at a minimum number of monthly meetings. He said if the group decides it needs more and it has to focus on the southern end of the Town one week and the northern part the next month then they will do that. He said it is going to be very public and everyone will have an opportunity to participate.

Mr. Jasinski next asked as we get more daylight, are the public meetings going to maintain the 5:30 time. Deputy Supervisor Plummer said the first meeting is scheduled for April 1 at 6 p.m. to 8 p.m. Mr. Jasinski said that would be good so he has a little more time to grab his supper. He said he would prefer the meetings being a little later, noting he knows lots of people who will not be able to get out of their gardens, their farms or anywhere's like this and make these meetings. Deputy Supervisor Plummer said the Board would take the comments on advisement. Mr. Jasinski thanked the Deputy Supervisor. Mr. Plummer said that is something in his judgment also to be taken into consideration by the committee. He said the Board will not dictate to the Committee their times and locations. He said he thinks the Committee should decide. Mr. Jasinski said he thought so also.

Councilman Lenhardt said in the packet, the committee overview, there was a statement at the bottom that reads, "besides the April 1st meeting, subsequent meetings have been tentatively scheduled for the first Monday of the month from 6 to 8 p.m. in Town Hall". He said they will be opened to the public and are tentatively scheduled.

Deputy Supervisor Plummer said certainly the members in attendance have taken notes of the comments. He asked if there was any other discussion. Councilman Marcelle commented that he guessed many of the proposed board members and the ones that he does not know and the ones he does know, come highly regarded and recommended and he would like to extend his personal thanks for their service for the hurculean task that faces them. He said he is sure at times it will not always be a consensus and then it will be and it will be a collection of ideas from members of the communities. He said he wanted to remind the Committee to watch out for the special interests in the community but also watch out for the community as a whole. He said some of the people who do not have time to come out to meetings or are not politically active need to be considered too. He said he thinks he has talked to all of his fellow Board Members about this and he thinks it was the consensus for the last couple of elections – and he will reiterate here that he will try to attend as many meetings as possible but hear his concerns – as a Town Board Member and a lifelong resident of Bethlehem we have reached an imbalance between residential and commercial development in this Town. We have saturated ourselves with residential development and we have not been as aggressive, he thought, pursuing commercial development and proper commercial zoning.

Mr. Marcelle said the one thing that the message is clear about is that we know where everyone stands on residential development. He said he thinks it is clear to anyone who has a pulse on the community and knowing the people on the Town Board. He said what he thinks is going to be more decisive is the commercial aspect. He said there would be an element in the community who wants to freeze Bethlehem at this date forever wild. He said he would urge the Committee to resist that temptation and remember the Town is out of balance now. He said we must get the Town back into balance.

Councilman Gordon expressed his thanks to the members who have stepped forward and noted he is eager to help them and participate in the process. He thanked the members present.

The motion was made by Mr. Lenhardt and seconded by Mr. Gordon to approve the following appointments to the Bethlehem Planning Advisory Committee:

John Smolinsky, Slingerlands, NY	Parker Mathusa, Elsmere, NY
Katherine Daniels, Delmar, NY	Mark Bryant, Delmar, NY
Patricia Waniewski, Glenmont, NY	Anders Tomson, Delmar, NY
Patricia Salkin, Delmar, NY	John Mead, Delmar, NY
Howard Engel, Selkirk, NY.	

The motion was passed by the following vote:

Ayes: Mr. Plummer, Mr. Lenhardt, Mr. Marcelle, Mr. Gordon.

Noes: None.

Absent: Ms. Egan.

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Deputy Supervisor Plummer thanked the Committee members and congratulated them.

The Deputy Supervisor asked if anyone wished to address the Board.

Mr. Thomas Ellis, resident of Albany, noting he is on the Board of Directors of the Citizens Environmental Coalition which is a not for profit corporation. He presented information to the Board regarding a new potential air pollution threat to the Town and its residents. He said LaFarge Cement Company is seeking permission from New York State and the Federal Government to replace one-half of its present coal, fuel at its Ravena Cement Plant on Route 9W with burning 6 to 8 million tires per year by 2006 and with other unspecified rubber products.

Mr. Ellis said where the tires would come from is unclear. He said they could come from within New York State, out of the state or from foreign nations. According to Mr. Ellis, LaFarge views the tires as a cheaper fuel source that would lower its cost of operations. The proposal if adopted would have little impact on employment at the facility, he said. Friends of Hudson of Hudson, New York, an environmental group, has researched the proposal and they say LaFarge is planning to only make minor modifications to its facility with no pollution upgrades planned, Mr. Ellis noted. He said the operators of the plant were fined by DEC for permit violations in 2001. He said LaFarge is also seeking exemption from Federal air quality permits that would normally apply.

Mr. Ellis said it is difficult to monitor incineration emissions and usually what little air monitoring that occurs happens under ideal conditions. He stated LaFarge says air pollution emissions would decrease from the current amount if the project were approved. He said even if total emissions decrease the types of emissions would change.

Mr. Ellis said LaFarge will state that they burn tires at other locations safely. He said the Ravena facility is the second largest cement plant in the United States. He said at this point DEC is reviewing the application to determine if it is complete. He said public hearings would be held. He said he is encouraging the Town Board Members and the Town residents to familiarize themselves with this proposal and participate in the review process.

Mr. Ellis thanked the Board for allowing him to speak at the meeting. Deputy Supervisor Plummer thanked Mr. Ellis.

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Mr. Mike Daley from Glenmont next spoke and said he just wanted to publicly state how happy he is with Town Planner Jeff Lipnicky and the Planning Board for resisting the NIGRO Companies reconfiguration of the Staples and that they agree with the sentiment of Howard Engel that these companies will do whatever is necessary in order to get in here. He said so when it comes to commercial development on 9W they would like design standards and they appreciate Mr. Lipnicky's leadership very much, especially on this most recent issue.

Deputy Supervisor Plummer thanked Mr. Daley.

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Ms. Nancy ... said her complaint is the 5:30 time. She said she has 4 young children and said she would like to attend the meetings due to noting about people getting involved and it is very difficult to be here at 5:30 p.m. She said 7:30 was great, 7:00 or 6:30 would be great but 5:30 is just tough by the time you pick up children from sports. She said she brought her children to the meeting. She said she would appreciate it if the Board would review the time and maybe make an adjustment to be a little more friendly to other families. She thanked the Board. Deputy Supervisor Plummer thanked her.

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Mrs. Barbara Leonard Carkner said she lives in Elsmere and noted when she was first married she lived in South Bethlehem and they have friends down there. She said she has a friend who is unable to drive because of eyesight and she offered to bring her tonight but it was just very hectic for her because she had to make sure she ate and took care of things she had to do. She said speaking for some of the older folks who live in the outlying areas; she thinks they would appreciate the Board time being a little later. She thanked the Board.

Deputy Supervisor Plummer thanked Mrs. Carkner.

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Mrs. Marie Capone, resident, said with regard to the time, the previous administration it was at 7:30 and they had half the crowd as was in attendance at this meeting.

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Mr. Todd Graham said he lives in the Town of Bethlehem and he wanted to come and complain and get some information. He said no one has been able to help him with this situation and he hopes he could get it here. He said for the past 32 years a private driveway along his street has been plowed by the Town. He said it is a travesty of taxpayer's dollars. He said no one can give him an answer. He said he is here to file a formal complaint.

Deputy Supervisor Plummer asked Mr. Graham where he lives. Mr. Graham said he lives on Kenwood Avenue and he has gone through every channel he could and this was his last effort because he could not get any answers and he is not going to stand for it any longer. Mr. Plummer asked what was happening. Mr. Graham said basically Town trucks on a handshake agreement from an ex-police chief who is now deceased are plowing private driveways. He said he has no other place to go and this has to stop.

Mr. Graham said it is not just Kenwood Avenue. Councilman Marcelle asked Mr. Graham if he had addresses. Mr. Graham said he does. He said one of the addresses would be 520 A and B Kenwood Avenue. He said he has had no satisfaction and gotten no answers in regard to this matter and has gotten no return phone calls on this.

Councilman Gordon asked when this was first brought to the Town's attention. Mr. Graham said he made a complaint going on over a week ago at the

last snowstorm when he saw a Town plow plowing the driveway. He said other neighbors have complained but actually he was the only one that got a call back from anybody at the Town. Mr. Gordon asked Mr. Graham if he lodged his complaint a week ago. Mr. Graham said he did.

Mr. Graham said honestly he has many neighbors who could not be in attendance but were very concerned about this issue.

Deputy Supervisor Plummer asked Mr. Sagendorph, Highway Superintendent, to respond. Mr. Sagendorph said Mr. Graham did call the Town Highway Department last week. He said he was not in the night of the snowstorm; he was out on the road checking things. He said he did respond to Mr. Graham's phone call the next day and spoke directly to him. He said he acknowledged the fact that the Town Highway Department does plow 520 A and B Kenwood Avenue. He said he acknowledged that in the 32 years he has been an employee of the Town, that that practice has been taking place. He stated he does not know how many years prior to his tenure that took place but he said he asked Mr. Graham to give him a chance to look into it.

Highway Superintendent Sagendorph said he faxed a 9 page agenda to the Town Attorney, Mr. Potter, and he did not know if he had a chance to review it. He said he would ask that Mr. Potter review it noting there are some legal issues that he needs answers to before he can make a response to Mr. Graham. He said he would like to know what other private driveways by the presentation of a list or if Mr. Graham wants to do it publicly, what other private driveways he feels the Town of Bethlehem is plowing.

Mr. Graham said he could have that information by the next Board meeting actually. Deputy Supervisor Plummer said he would suggest that Mr. Graham call Highway Superintendent Sagendorph with the information in the interim. Mr. Plummer said Mr. Sagendorph is checking into it and will have a response and the Town Attorney is involved.

Highway Superintendent Sagendorph said if Mr. Graham does not feel he is getting the right answers from the Town Highway Department, he suggested that Mr. Graham call the Supervisor directly or the Town Board. Mr. Graham said he has actually been in the Supervisor's office and have not gotten a response on that as well. He said he did know that Supervisor Egan was out of town. Deputy Supervisor Plummer noted that Mr. Graham lodged a complaint a week ago. Mr. Graham said it would be Tuesday, the last snowstorm and the following... 2 days later than that I was actually in the Supervisor's office as well.

Deputy Supervisor Plummer said in fairness, Mr. Sagendorph is getting the information together and the Town Attorney is going to look at it. He said the Supervisor is out of the state and he noted there will be an answer.

Mr. Graham said he understands that but he wanted to be at the meeting to lodge a formal complaint against the Town for this. Deputy Supervisor Plummer noted the Board has heard this and thanked Mr. Graham.

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Deputy Supervisor Plummer asked if anyone else wanted to address the Board. Mr. Mike Waldenmaier said he has no problem with the meetings at 5:30 in the wintertime but now that the days are getting longer and the rural property owners need to be out there working in the fields, he would like to see the meeting be scheduled for 6:30 or 7:00 p.m. Deputy Supervisor Plummer thanked Mr. Waldenmaier.

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Councilman Marcelle thanked Deputy Supervisor Plummer for his conducting the meeting.

The motion was made by Mr. Lenhardt and seconded by Mr. Marcelle to adjourn the regular Town Board meeting at 6:35 p.m. The motion was carried by the following vote:

Ayes: Mr. Plummer, Mr. Lenhardt, Mr. Marcelle, Mr. Gordon.

Noes: None.

Absent: Ms. Egan.

Town Clerk