

TOWN BOARD  
AUGUST 12, 1992

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 meeting was called to order by the Supervisor at 7:30 p.m.

PRESENT: Kenneth J. Ringler, Supervisor  
Frederick C. Webster, Councilman  
Charles Gunner, Councilman  
Sheila Fuller, Councilwoman  
Kathleen A. Newkirk, Town Clerk

ABSENT: M. Sheila Galvin, Councilwoman  
Bernard Kaplowitz, Esq., Town Attorney

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Supervisor Ringler said good evening and welcomed everyone to a regular meeting of the Bethlehem Town Board. He said the first item on the agenda is a public hearing on the request for an extension of Water District No. 1 for Delmar Village. He asked the Town Clerk to read the call of the hearing.

NOTICE OF PUBLIC HEARING

In the matter of Extending Water District No. 1 of the town of Bethlehem, Albany County, New York

WHEREAS, a written petition from owners of taxable real property (a copy of which is annexed hereto) has been presented to and filed with the Town Board of the Town of Bethlehem, Albany County, New York, requesting an extension of Water District No. 1 of said town to include their properties and showing the boundaries of the proposed extension, together with a map and plan of the proposed water system; and

WHEREAS, there has been filed in the office of the Town Clerk of said Town, a map as referred to in the annexed petition, plan and report prepared by Kenneth Fraser & Associates, P.C., engineers duly licensed by the State of New York, setting forth the details of the proposed extension; and

WHEREAS, the boundaries of the proposed extension to the said District are set forth in the annexed petition; and

WHEREAS, the maximum amount proposed to be expended for the said improvement is the sum of \$300,000; and

WHEREAS, the HMC Associates, 163 Delaware Avenue, Delmar, New York have agreed to pay all costs and disbursements incurred by said water district in connection with said application, including legal, engineering costs and labor and material; and

WHEREAS, said map, plan and report describing said improvements are on file in the Town Clerk's office for public inspection.

NOW, on motion of Councilperson Galvin, seconded by Councilperson Webster hereby

ORDERED, that the Town Board of the Town Board of the Town of Bethlehem shall meet and hold a public hearing at the Town Hall, 445 Delaware Avenue, Delmar, New York on the 12th day of August, 1992 at 7:30 o'clock, p.m. on that day, to consider said map, plan and report, and hear all persons interested in the subject thereof concerning the same, and take such action thereon as is required or authorized by law, and it is further,

ORDERED, that the Town Clerk be and she is hereby directed to publish and post copies of this order at the time and in the manner provided by law.

The adoption of the foregoing order was put to a vote and upon roll call, the vote was as follows:

AYES: Mr. Ringler, Mr. Webster, Mr. Gunner, Ms. Galvin, Mrs. Fuller.

NOES: None

Dated July 8, 1992  
BY ORDER OF TOWN BOARD  
TOWN OF BETHLEHEM  
Kathleen A. Newkirk  
Town Clerk

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Public  
Hearing  
Extension  
of Water  
District  
No. 1 for  
Delmar  
Village

STATE OF NEW YORK )  
 COUNTY OF ALBANY )

KATHRYN OLSEN of the Town of Bethlehem, being duly sworn says that she is the bookkeeper of THE SPOTLIGHT, a weekly newspaper published in the Town of Bethlehem, County of Albany, and that the notice of which the annexed is a true copy, has been regularly published in said THE SPOTLIGHT ONCE A WEEK FOR 1 WEEK consecutively, commencing on the 29th day of July 1992.

/s/ Kathryn Olsen

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

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 July 29, 1992, 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

Sworn to before me this  
 12th day of August, 1992.  
 /s/ Bruce H. Secor, Notary Public

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

Ayes: Mr. Ringler, Mr. Webster, Mr. Gunner, Mrs. Fuller.  
 Noes: None.  
 Absent: Ms. Galvin.

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Supervisor Ringler said this basically, he guessed, is the final step in a long process for the Delmar Village proposal which has received all of its other approvals up to this point and this is the final extension which just basically, only includes the property itself, nothing beyond the property of the Building Project Approval and the PRD. He asked if there are any questions of the Board at this point in time. He said he thinks the Board has heard about this so often, they could probably... okay, the public hearing if there are any questions they will open it up for questions and then anyone who would like to speak in favor may speak in favor and then anyone who would like to speak in opposition, may speak in opposition. He said they could just stand up at their seats, the microphone can pick you up and please identify yourself for the record.

Supervisor Ringler asked if anyone had any questions regarding this proposal. There were none. Supervisor Ringler asked if anyone wished to speak in favor. There were none. Supervisor Ringler then asked if anyone wished to speak in opposition. Mr. Morris Groves from 4 Brockley Drive said he is not in... he has known about the project ever since we had some discussion about it several years ago. He asked if Mr. Secor will be explaining where the 16 inch water main is presently located and will he be giving some explanation of this. Mr. Secor said he can certainly. Mr. Groves said also, more importantly he thinks, will this extension be at the residents expense or at the builders expense. Supervisor Ringler said at the builder's expense.

Commissioner of Public Works Secor explained just as a means of orientation, this is existing Orchard Street, existing Fisher Boulevard now comes this way and dead ends here. He said the

proposal was to carry a road through to Delaware Avenue which is at this end (indicating on the exhibited map). He said the existing 16 inch water main comes from New Scotland Road along parallel to Fisher Boulevard, comes to the this point and then the existing 16 inch transmission main goes right through the middle of this project and is plotted on here and goes out to Delaware Avenue and an easement that is also owned by this project and what is going to happen here is the road is going to parallel the 16 inch main and all that is being proposed here is some branch lines, 8 inch diameter branch lines to loop around this but also end up connecting from the 16 inch main to an existing 8 inch main on Orchard Street which will help a networking type flow in the Slingerlands area. He said actually it will provide a net positive impact on the water district in the Slingerlands area because it will eliminate a dead-end here and there will be another feed to the Slingerlands area. He said that is basically what is going on.

Supervisor Ringler asked if anyone else would like to speak. There were none. The motion was made by Mrs. Fuller and seconded by Mr. Webster to close the public hearing at 7:40 p.m. The motion was passed by the following vote:

Ayes: Mr. Ringler, Mr. Webster, Mr. Gunner, Mrs. Fuller.

Noes: None.

Absent: Ms. Galvin.

*Kathleen A. Newkirk*  
Town Clerk

Supervisor Ringler convened the regular meeting following the public hearing and asked if the Board was inclined to take action on the previous public hearing tonight. Councilman Webster said he saw no reason why not. The Supervisor said we do not need a SEQR determination, indicating that was all taken care of in the original proposal, so basically we just need a motion to pass the water district. Mr. Secor said he thought just for the record, he thinks you could just reaffirm that this was part of.... the SEQR requirements of this were fulfilled during the draft environmental impact statement and the findings statements that were done and that the Board recognizes that and moves forward with that as background, into the record.

Supervisor Ringler said fine. The motion was made by Mr. Webster and seconded by Mr. Gunner to approve the extension of Water District 1 of the Town of Bethlehem within the Delmar Village PRD. The motion was passed by the following vote:

Ayes: Mr. Ringler, Mr. Webster, Mr. Gunner, Mrs. Fuller.  
 Noes: None.  
 Absent: Ms. Galvin.

Approve  
 Extension  
 Water  
 District  
 No. 1 -  
 Delmar  
 Village

Supervisor Ringler said the next item was the presentation of the proposed franchise agreement with Cablevision and consideration of setting a public hearing in September on this document. He said he drafted a letter which he read into the record.

Presentation  
 of Franchise  
 Agreement  
 and  
 Set Public  
 Hearing

M E M O R A N D U M

TO: TOWN BOARD MEMBERS  
 FROM: KENNETH J. RINGLER, JR.  
 DATE: JULY 23, 1992  
 SUBJECT: CABLEVISION FRANCHISE

Attached for your consideration is the final draft of the new franchise agreement with A-R Cable Services.

As you know, this document is the result of almost two years of work by our Cable TV committee and our negotiating team. I think we should be very grateful for these individuals and in particular our negotiating team consisting of Steve Shaye, Sheila Galvin and Stafford Davis. The document that has been put together, I believe, will serve our residents well during the life of the franchise. Of course, we would certainly like to have more control on this monopoly, however, laws do limit our ability to do this.

If this draft is acceptable, I would suggest we set a public hearing for September 9. Copies will be placed in the Library and Town Clerk's office for public inspection.

I would like to highlight some of the issues of the agreement which I believe will certainly enhance our control and provide better service to our residents.

1. Service area extension: In the agreement A-R shall extend Cablevision to any areas of the town that are contiguous to existing service areas and contain at least 20 occupied residences per mile. In addition, there have been specific areas of the town which may not meet this criteria currently, but based upon public hearings, there was a strong indication that residents in these areas would like cable. This would include the VanWies Point area and other areas as indicated on page 9 of the agreement.
2. The company will be doing an upgrade and rebuild of its current system. This will allow for a minimum capacity of 77 channels. This is scheduled to be completed on December 31, 1994, however, our agreement requests they use their best efforts to complete a technical upgrade and rebuild by June 30, 1993.
3. Customer Service: This entire section has been rewritten in order to require A-R to provide responsible service to their

customers. Complaint procedures have been outlined in addition to this.

4. Public Access: We will receive a total of \$105,000 over the life of this franchise for the purpose of access and facilities and equipment at the Bethlehem Central School District and the Bethlehem Public Library.
5. Security Fund: They are required to deposit with the town, \$10,000 as a security fund. In compliance with the security fund, penalties can now be assessed against A-R as indicated on page 24. The penalty would be removed directly from the security fund by the town in the event of noncompliance.
6. Franchise fee: A-R has agreed to increase our franchise fee from 3% to 5% of all gross revenues. From these funds, I will be recommending to the Town Board that we hire an individual on a part-time basis to monitor all aspects of this franchise and to insure that the company is complying on a regular basis.

Again, these are basically the highlights of the agreement. The entire agreement has been rewritten and provides more record keeping and the availability of more information to the town in order to determine that Cablevision is complying with all aspects of the document.

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Supervisor Ringler said Steve Shaye from the Cable Commission is with us this evening. He said Steve had worked very hard on this and we are certainly grateful for his efforts and he can answer any questions that the Board might have. He said the Board has had a chance to look at this and there were some questions raised by some of them and he has given them to Steve already and he hoped he had answers on them. He said Mr. Shaye, since the Board last saw this there are a couple minor changes which he asked Mr. Shaye to point them out so the Board knows what has been done there as well.

Mr. Shaye said in terms of the minor changes, there was a request that if there was a discrepancy in franchise fees paid to the municipal government and it goes to a court, ultimately there is a law suit on the issue and the court finds in favor of the Town in a discrepancy of more than 5 percent, the company will additionally be responsible for not only court costs but they will also be responsible for reasonable attorney's fees. He said that language was also added.

Mr. Shaye said there was also an appendix -- actually appendix 2 to the franchise or appendix B, appendix A will be a map of the existing system which will be available at the public hearing. He said appendix B is a form under which the company must submit all information when they pay a franchise fee which is quarterly. He said they will be paying their franchise fee but they will not just be sending a check in like they used to -- saying here is your check, instead, they have to... Supervisor Ringler said we have that on the agenda tonight, the last quarter. Mr. Shaye said that is how it has been done in many instances before but from now on, they are going to have a 2 page form that is going to indicate in specific categories of revenue, exactly where there revenue is generated and it will be much easier for the Town to make a determination of whether or not that they are getting the accurate franchise fee. He said those were 2 additional areas.

Mr. Shaye said one observation he did want to make was, he believes this is an excellent franchise and he thinks it is excellent because the Town took the initiative to appoint a committee to go through the process in the correct manner plus the Town drafted the franchise. He said this was not a response to a cable company draft, it was a franchise that was initiated by the Town so it gives the Town generally an upper hand in the bargaining position and the document you see before you that will go before the public, he thinks the committee and the negotiating team is very proud of.

Mr. Shaye said there are specific questions with regard to -- have some notes on the questions that he believed Mr. Gunner had in relation to -- make sure I have the right county here -- this has seen many, many drafts this franchise. Supervisor Ringler said to say the least. Mr. Shaye said since Sherwood's committee first started, the committee that Sherwood was part of, we probably went through about 15 drafts of the franchise. Mr. Ringler said his file is almost as thick as Delmar Village's at this point. Mr. Webster said nothing is that thick.

Mr. Shaye said there is a question on all signals and how they are passed through the system. He said the discussion that they had during the negotiations was whether or not signals would be available in stereo on the system. He said the point of that section in the franchise is that any signals that are available in stereo will be available on the new system in stereo. He said that was the point of that particular section. He said he believes that is section 7, indicating it is actually section 8, sub 3. He said that refers to the newly rebuilt system and it talks about all signals transmitted by broadcasting cable television program services which are directly related to such program services such as stereo transmissions, closed captioning and alternative audio signals, shall be passed through to cable subscribers. He said in other words, the company is not allowed to receive certain closed captioning programming and delete it, they must pass that through. He said that is a requirement once the system is rebuilt to 77 channels.

Councilman Gunner excused himself and asked if Mr. Shaye minded if he interrupted. Mr. Shaye said not at all. Mr. Gunner said there is nothing there that refers to that all signals must go... he said he doubts that it is but just to clear his own mind... must go through AR, for example -- there are satellite type things, they would not have to go through AR would they. Mr. Shaye said in order... whatever you.. if you are a cable television subscriber any signal that you receive you would get through the cable. He said you always have the option of having an alternative antenna service or your own satellite service available. Mr. Gunner said right, it wouldn't prevent somebody from having satellite. Mr. Shaye said absolutely not. Mr. Gunner said if the satellite service became sufficient for an individual, you would just stop the other, right. Mr. Shaye said that is right. He said there are alternatives now, there is some people have -- where cable is not available generally, there is this wireless cable television that many people have chosen to subscribe to and it may compete in the existing cabled areas also. He said that is certainly available to cable subscribers also.

Mr. Shaye asked if there were other questions that he did not have noted. Councilman Gunner said go right ahead and he would ask questions and anything he has left over he will go back to. Mr. Shaye said Ken covered most of the highlights of this franchise. He said one other area he wanted to touch upon is in customer service. He said this franchise now requires that if there is an outage of 4 hours or more, customers or subscribers are entitled to a full day's rebate. He said if the company is aware of where the outage is, the customer does not even have to call the company. He said they are required to rebate the subscribers of that full day's service and that is for all... for their entire service whatever it may be. He said when you have an outage, more than 4 hours, call the company -- if you think they are not aware of it -- and a full day's rebate. He said this franchise is really expanded the customer service requirements of AR and also the rights of the Town if there are violations of the franchise. He said as Ken pointed out, this franchise is one of the few -- would be one of the few in the State that would have a security fund which really holds the company accountable for every aspect of the franchise. He said if they violate the franchise they are fined and then the money is replenished into a fund that the Town makes a determination to withdraw from if there is a violation of it. He said the company will be much more accountable to subscribers under this new document.

Supervisor Ringler said he thought he had given Mr. Shaye a few more questions that Mr. Gunner had. Mr. Shaye said he thought there was one other one. Mr. Gunner said he had them here. He said

actually the first one may not involve him but you may want to speak on it. He said it may involve our comptroller who is here, who was not even aware he was going to ask her a question, or whoever you would like to address it to, you may want to answer it yourself. Mr. Gunner said you may or you may not. He said the franchise tax is a tax that is brought back upon the people because they subscribe to cable. He said Cablevision customers, he would assume is pretty comprehensive in the community, probably 90 percent, 80 percent. Mr. Shaye said around 70 percent. Mr. Gunner said so that, therefore, is sort of like a hidden tax and asked if this money goes to the general fund. Supervisor Ringler said yes. Mr. Gunner said it is considered in the budgeting process as income prior to the budget. Supervisor Ringler said yes it would be.

Supervisor Ringler said one of the things that he would like to point out, is that he gave that a great deal of thought on the hidden tax but the reality of the situation is... as he talked to people who have been dealing with cable companies around the country, is that they are going to charge what they can charge anyway and either it is going to go into their pocket or it is going to go back and service the public and that is what we agreed, we thought that we would ask for that because we are going to be using it to establish that job that he talked about and so forth to watch them. He said they will press and keep pressing until the federal government regulates them. He said that... the advice he got from people in the industry was that by you taking... pushing for the 5 percent is not going to cost the subscribers any more money... Mr. Shaye said rates are going to go up anyways and as all of us know, your rates have gone up over the last several years even if the cost of living has not gone up as much and we see communities throughout the state taking the full 5 percent because that was one of the few things that Congress back in 1984 gave municipalities the right to do, is levy a 5 percent franchise fee. He said it is true companies can pass through those increases onto subscribers but they are going to raise their rates anyways and they have seen that before and it certainly is an entitlement that municipalities can take advantage of. Councilman Gunner said he thought what he was looking for was to make sure that franchise tax is used to reduce taxes not just to add additional programs, which he has assumed we have done. Supervisor Ringler said at budget time, you can help them with that. Councilman Gunner said he was sure you will.

Councilman Gunner asked if this was a 7 year contract. Mr. Shaye said it is 10 years. Mr. Shaye said the contract extension for one year has already elapsed so it will be 9 years. Councilman Gunner said that counts.

Mr. Gunner said page 6, section 5, may not even be important but it talks about cable system shall be subject and governed by all laws, rules and regulations of the Town and New York State. He said it does not talk about the federal government but on page 14 and page 28 it does. Mr. Gunner said the federal government has been talking and had pressure on it to bring some... Mr. Shaye said the reason it is specific, in this particular section, the construction work -- any requirements are not federal requirements, they are only state and local requirements. He said in those other areas, there are federal requirements and that is the reason the federal government is left out. Mr. Gunner said there is nothing of the federal nature of the type of equipment used and things like that. Mr. Shaye said not in this particular section.

Councilman Gunner said he already answered his next one. He said it comes up with the satellite and it comes up about 3 times during the contract. Mr. Shaye said that was the one he remembered.

Councilman Gunner said he was not sure that you can answer this one but it is one he has asked of the AR itself but let me just put it out there. He said that he has called and he was concerned because he had spoken, working with senior citizen services that some of the people who we transport complained about increases and not getting a deduction. So, when he called, he found out that if a senior citizen takes the HBO or any other premium service, they do not get a discount. He asked if that was the same. Supervisor Ringler said he could comment on that. He said from the day

negotiations started and every time... up to the end, we put in there we want it in writing discounts for senior citizens, it is not a negotiable item by law. He said they attempted to get it, they attempted to beat them over the head for it and he thinks the local people wanted to do it. He said as a matter of fact, they were negotiating with us but corporate would not set a policy in doing such in our Town and the problem is again, it is rating and it is not negotiable in the franchise by law, asking Mr. Shaye is this was correct. Mr. Shaye said right, the bottom line in all cable television negotiations are... is what can you deny a renewal for. He said if the company refuses to give a senior citizen rate, are they still entitled to renewal under federal law. He said the answer to that question is pretty simple, yes. He said there is no way we can control their rates and require a senior citizen rate even though every effort was done to do that many times. Councilman Gunner said he guesses he gets more annoyed at the advertisement that they give senior citizen discounts and they take all their glory in because they are doing such nice things for everybody -- in reality the people who may need it the most... now, he said he has no problem if they say, the people must be under the tax break that the senior citizens get, what the certain maximum -- which he thinks is just going to go up to \$20,000., as he understands in the next year, but right now -- what is it \$18,000 or \$19,000., around there -- if they want to limit it to those people, he has no problem with it but can't make them. Supervisor Ringler said the argument that they used and it was one that Karen had given to him, is that many of our seniors, yes they will pay for the additional to have these services but that is their total entertainment and even though they may think that it is a luxury, it is not a luxury to these individuals. Mr. Ringler said they could not get them to budge on anything on rates because they knew they did not have to negotiate that. Councilman Gunner said he would suggest that all senior citizens call every once in a while and let them know whenever they advertise that they are giving discounts, those of us who do not get it -- and even if they would put that minimum amount on, it would not bother him at all.

Councilman Gunner said he was sorry to keep Mr. Shaye standing there so long. Mr. Shaye said it was no problem. Mrs. Capone said you can call all you want, the telephone is off the hook. Mr. Gunner said okay, indicating he was not sure he understood her. Mrs. Fuller said the telephone is off the hook. Mr. Gunner said you are right, the telephone is off the hook. He said they know, he had to give AR credit, any time he has called for service or for information, they have been very helpful. He said maybe he has been lucky. Supervisor Ringler said that has changed over the life of this last few years. He said that was a problem, there was no question, he said he personally, has been as frustrated as many people at one point trying to get through to them on the phones. He said they have additional phones now and so forth and he does not hear that as a problem any more except if there is an outage or something and everybody is calling at once, naturally they are all going to be busy but during normal course of business... Mrs. Capone said she called there 4 hours. Mr. Shaye said he has been calling frequently during negotiations and he does not call on private line, he calls on the main number and he said invariably he gets through very, very quickly. He said they have improved their customer service over the last few years, it has gotten much better.

Councilman Gunner said on page 19, recording keeping, he asked if we have to request where they say -- a record of all complaints will be filed by subscribers and should be maintained for 2 years. He asked if we could get copies of that. Mr. Shaye said sure. Mr. Gunner said okay.

Mr. Gunner said here is a question you answered for me before but he has forgotten. He said there are a lot of references in here, like on page 22, the Town shall notify within 30 days of presentation any claim arising from any claim or negligence, etc., etc. He asked who is going to be responsible in the Town where we receive things and ask for things. Supervisor Ringler said under this, the Supervisor is responsible. Mr. Gunner said yes, right. Mr. Ringler said, however, as he said earlier, he is recommending that we do hire somebody with these funds to monitor this to make sure the reports are here on time, to look at those reports and so forth. Mr. Gunner

said so, we are going to have somebody. Supervisor Ringler said yes. Mr. Gunner said there is a lot of that in there and he thinks it would also help.

Councilman Gunner said page 24, which you may have corrected in the new draft that we just got tonight. Supervisor Ringler said no, they did not, it still is security fun. Mr. Gunner said yes. Mr. Shaye said they will get to that. Mr. Gunner said he just thought it may not be at that point.

Councilman Gunner said that has been answered and he figured a lot would be answered along... he answered that one. He said he guessed he was surprised and maybe he could answer it for him, or maybe the comptroller can or whoever you choose -- okay, I am on page 29. He said it talks about an error of 5 percent -- well, he said he was not a big investor but he knows that he would not invest in anything that would give me... or person I am working with an error of 5 percent -- so he does not know and asked why do they do that. Mr. Shaye said it is standard language that has been in many franchises, there is an error... frankly, he said franchise fee disputes, he has never seen one go to court. He said usually they are worked out. He said if the franchise fee is wrong, the Town calls up the company says, look we are getting the wrong amount of money here, if they do not know about it -- some point in time they may ask his office to do an audit and they uncover it and then there is either a settlement or the company pays. He said the 5 percent figure is something that has been standard in franchise contracts in this type of provision since he has seen them for 15 years now. He said he is not sure why. Mr. Gunner said okay, good, neither was he, noting he would not want to invest with them and give them that little bit of error and as long as they have usually been settled, he would go along with that. Mr. Gunner said that was it.

Supervisor Ringler asked if there were any other questions. Councilman Gunner thanked Mr. Shaye. Supervisor Ringler thanked Mr. Shaye also, as well as the remainder of the Board.

Mrs. Capone said wait a minute, asking if Cablevision is owned by Time Warner. Mr. Shaye said no. Supervisor Ringler asked if Mr. Davies had a question. Mr. Ringler said he would have a copy of this for all the Committee members. Mr. Davies said that was on the top of his list, indicating he has not seen a copy in a year and a half or so.

Mr. Davies said two things, the House Senate apparently has going through a cable deregulation bill and would it be appropriate maybe to postpone this public hearing for maybe a couple of months so that we could react to that. Supervisor Ringler said anything they come down with is covered in here, if we get more regulatory powers, we can assume them. He said if we can cover rates, this allows us to do so in this franchise. Mr. Davies said okay.

Mr. Davies said the other comment he has is that he knows about 6 months ago, the City of Albany put cable tv... put the heat to the feet of cable tv with regards to the fact that they had not approved the sale of the cable tv company. He said he thinks that same reasoning applies in the Town of Bethlehem and he would hope you might be able to put a little more heat in regards to cable tv rates. Supervisor Ringler said we have requirements in here that we have to approve any transfers of more than 10 percent of the stock -- as he recalls. Mr. Shaye said or any change in controls. Mr. Davies but that was in the old contract and franchise. Mr. Ringler said he did not think it was to that degree. Mr. Davies said yes, it was very specific. Mr. Shaye said the City of Albany situation also provided some assistance to them. He said some Japanese investors bought a piece of Time Warner and the City of Albany did not approve that transfer. He said that has created some problems for the company in order to have to set up some new series of books in order to operate Capital Cablevision because now it is a separate entity almost like HBO is a separate entity and what that has done is really... it hasn't really necessarily helped the subscribers in the town that non-approval by the City. In any event, Mr. Shaye said, in our franchise we have rewritten the transfer language. He said it is more specific, it is tighter and the company will have to come to the

municipality any time there is a change of control or any time there is a change of 10 percent in the stock.

Supervisor Ringler said this document, as he has said, will be available for public inspection. He hopes the Spotlight that is here will give the highlights that they will go over on Friday so the people know what this is all about. He said we will put it out and see what our residents have to say about it.

Supervisor Ringler recommended that the Board set a public hearing on September 9th at 7:30 p.m. The motion was made by Mrs. Fuller and seconded by Mr. Gunner that a public hearing be held on September 9, 1992 at 7:30 p.m. to consider the cable television franchise. The motion was passed by the following vote:

Ayes: Mr. Ringler, Mr. Webster, Mr. Gunner, Mrs. Fuller.  
Noes: None.  
Absent: Ms. Galvin.

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The Supervisor thanked Mr. Shays, indicating he has been really terrific. Mr. Shays said see you September 9th.

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Reappropriation  
of Funds - re  
insurance  
repairs -  
Senior  
Citizens  
Services

Supervisor Ringler said the next item is a request from Karen Pellettier, Director of Senior Services, for reappropriation for funds pertaining to insurance repairs. She requests that the Town reconsider reappropriation of funds conforming to Town Law, Section 112-3 received for insurance repairs to the Senior Service vehicles damaged in two separate accidents on May 11th and June 2nd in the amount of \$801. and \$1,818.90, according to the Supervisor. The transfer would be from insurance recovery to vehicle maintenance.

The motion was made by Mr. Webster and seconded by Mr. Gunner that \$801. and \$1,818.90 be transferred from Insurance Recovery Account to Vehicle Maintenance for repairs to Senior Service vehicles for damage received in two separate accidents on May 11 and June 2, 1992. The motion was passed by the following vote:

Ayes: Mr. Ringler, Mr. Webster, Mr. Gunner, Mrs. Fuller.  
Noes: None.  
Absent: Ms. Galvin.

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Authorize  
Supervisor  
to sign  
1992  
striping  
contract

Supervisor Ringler said next he would ask the Board's approval to authorize the Supervisor to sign the 1992 striping contract for highways. He said this is with Albany County. He said the Highway Superintendent has reviewed this contract in detail and has no problem with it. The Supervisor said he asked him a question today, if we ever look at having this done by a private vendor and he said we did but the cost is astronomical. He said the Highway Superintendent said we get a good deal from Albany County by doing this. He asked if there were any questions on that. Councilman Gunner said they are really working down on the County roads.

The motion was made by Mr. Webster and seconded by Mrs. Fuller to authorize the Supervisor to sign the 1992 striping contract with Albany County. The motion was passed by the following vote:

Ayes: Mr. Ringler, Mr. Webster, Mr. Gunner, Mrs. Fuller.  
Noes: None.  
Absent: Ms. Galvin.

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Supervisor Ringler said next was a request from Mr. Ritz, Engineering Department, for approval of assignment of house numbers on South Albany Road and Old School Road and the renaming of two portions of roads. He said the Engineering Department has completed the work to establish house numbers on County Route 54 and County Route 53. He said they recommend County Route 54, now known as Bell

Crossing Road be renamed South Albany Road. He said by renaming Bell Crossing Road South Albany Road, it will connect Old Quarry Road to Bridge Street. He said they recommend that a portion of the County Route 53 that takes traffic over the Conrail tracks be renamed Old School Road. He said this road is now known as Jericho Road. He said the construction of Creble Road cut the existing Jericho Road into two sections -- a section of Jericho Road which connects 9W to Elm Avenue was numbered in 1988. He said they attached six sets of prints on these streets which the proposed house numbers are indicated. He said Mr. Ritz requests these prints be returned to the Town Clerk. He said the memo indicates vacant land has not been numbered but numbers have been reserved for future development. He said Mr. Ritz included a list of the various property owners, not necessarily the present residents with the proposed house number and tax map number to further identify the house involved. He said the proposed house numbers for building on corner lots are usually based on the direction the house is facing. He said should this proposed house number system be adopted by the Town Board, we suggest that the proposed numbers be made effective 6 months after the date of adoption. Selkirk post office, Selkirk fire department and the residents should be informed of these new numbers. He said the Engineering Department can supply additional maps or lists of the property owners as may be required by the Town Board. He said the memo also indicated please be advised that the house numbers -- and he would say this and Mr. Gunner can reiterate it -- approved by the Town Board in the past are of no value to anyone if the numbers are not displayed on the house, fence or mailbox.

House  
S. All  
Road :  
Old  
School  
and  
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portic  
of Bel  
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to  
S. All  
Road  
and  
Jerich  
Road t  
Old  
School

Supervisor Ringler said just to bring the Board up-to-date on a couple of things, the renaming of Old School Road, that portion of Jericho Road, this has been kicked around for several months now, contacting and writing to the residents and asking for suggestions on a name for that section of the road and the last -- this was a suggestion from the neighbors and he last wrote to them in May asking them if anyone had a problem on this and to get back to him. He said only one did, the people that own the airport still would like it to be called Airport Road. He said the residents when he suggested this originally did not like that and he is making the recommendation based upon that he believes 95 percent of the people on the road would like to have it named Old School Road.

Supervisor Ringler said with the portion of Bell Crossing Road being renamed to South Albany Road, as you may recall, the reason that is being done is that that section of road was changed when the bridge was put back and all that work was done there and formed a "T" intersection and a straight through road. He said where it is right now, we basically have one straight road with two different names on it and it was recommended that we change that. He said he had written to the residents in that area of the Town and there were a couple of objections and most of the people have no problem with the naming of the road. He said there was one concern, there was a tavern owner down there that named her tavern Bell Crossing Tavern but bell crossing is still there -- the historical significance of the railroad track is bell crossing and he did not see that as a major problem. He said he thinks everyone in the area knows where that tavern is. He said the Conrail company would like to keep bell crossing in their name and for various reasons they have great deals of correspondence and paper and so forth with that name on there and the cost of doing that was extensive but they also felt that they do like the connotation and it has been historical to them to have Bell Crossing in their address. The Supervisor said they went back and forth on this and what is being recommended for them -- after a great deal of discussion and they have agreed upon this -- one of the things with 911 that we are going to be doing is naming of private roads. He said they will be coming up with a policy on how we are handling signage and so forth on those private roads at their next meeting. He said basically, many private roads are going to have to have a name put to them for emergencies purposes. He said what he is suggesting is -- and Conrail has agreed and the post office has agreed -- is this is a very large complex down there, that their entrance road... access road now be called Bell Crossing Road. So, they would be able to maintain that, according to the Supervisor, and the post office is in agreement with it and he thinks it answers everybody's problem basically. The Supervisor asked if anyone had

any questions or thoughts on it. Mrs. Fuller said no, that was the only question she had was Conrail's position. Councilman Webster said that was good compromise. Mr. Gunner said good compromise. Supervisor Ringler said it took a while.

Supervisor Ringler said if there are no other questions, he would entertain a motion to authorize those changes. The motion was made by Mrs. Fuller and seconded by Mr. Webster that the street numbers and name changes as proposed by the Engineering Department of the Town of Bethlehem be and they hereby are approved as listed on the memorandum dated July 29, 1992 from Terrence W. Ritz, Department of Public Works, Engineering Department. The motion was passed by the following vote:

Ayes: Mr. Ringler, Mr. Webster, Mr. Gunner, Mrs. Fuller.  
Noes: None.  
Absent: Ms. Galvin.

Approve  
Attendance of  
Dave Austin  
and  
Town Attorney  
at Americans  
With  
Disabilities  
Act.

The Supervisor said the next item was a request from David Austin, Administrator of Parks & Recreation Department, for approval of attendance of Dave and Town Attorney at the Americans with Disabilities Act seminar to be held at the Albany Marriott, \$25. per person. He said he has put together an in-house committee to be looking at the effects of the Americans Disabilities Act on the Town. He said it is required by law that we do that and they are proceeding with their work. He said Mr. Austin is chairing that committee and Bernie, naturally is on their as counsel because there is a lot of legal issues that are going to concern us. He said the more information we have... one of the problems with this Americans Disabilities Act is that it has been written with most laws but there are not any precedent cases, as yet, outlining how far you have to go with changes and so forth. He said it is going to be very important that we are educated. He said they will be coming back with their recommendation. He said they have already come back with some that we will be able to handle ourselves on signage and things like that but it is going to be an ongoing process. He asked if there were any questions about the Americans Disabilities Act, right now because Dave is here.

Supervisor Ringler asked if someone wanted to make a motion for attendance at the seminar. The motion was made by Mr. Webster and seconded by Mrs. Fuller that David Austin, Administrator of Parks & Recreation Department and Attorney Bernard Kaplowitz be and they hereby are authorized to attend the Americans with Disabilities Act seminar on August 25, 1992 at the Albany Marriott with fee of \$25. per person paid.

Mrs. Capone said how come Bernie is going, we have never sent Bernie anywhere before. Supervisor Ringler said it is about time we gave him some education. Mrs. Capone said that must be blind justice. Supervisor Ringler said put your glasses on it, you will be able to see it.

Supervisor Ringler asked if there were any further comments. There were none. The motion was passed by the following vote:

Ayes: Mr. Ringler, Mr. Webster, Mr. Gunner, Mrs. Fuller.  
Noes: None.  
Absent: Ms. Galvin.

Authorize  
Officer  
Mike McMillen  
to attend  
DARE  
Training  
Course

Supervisor Ringler said the next item is a request from Chief LaChappelle for authorization for Mike McMillen to attend DARE training in Saratoga Springs, \$100. fee and a car to transport himself. Councilwoman Fuller said she just had a question, she would like to know what the DARE training is that he will be attending that makes it different from what he has been doing in the middle school. Supervisor Ringler said okay, we will get back to you. Councilman Webster said it was the new component. Mrs. Fuller asked how often a new component comes up. Mr. Webster said he thinks he has only been working on up to the 6th grade. Supervisor Ringler said they have

been doing it at the 6th grade. Mrs. Fuller said 6th, 7th and 8th grade he was doing it with Ray Linstruth. Supervisor Ringler said they have been doing it at the 6th grade at the middle school. He said that is what they were performing it. Supervisor Ringler said he thinks they are going to be going to some older groups, but he is not sure, indicating he will find out specifically what this is Sheila.

The motion was made by Mr. Webster and seconded by Mr. Gunner to authorize Mike McMillen to attend DARE training, the Middle School Component to be held August 17-19, 1992 with the \$100.00 fee paid from the DARE funds and transportation provided by police vehicle. The motion was passed by the following vote:

Ayes: Mr. Ringler, Mr. Webster, Mr. Gunner, Mrs. Fuller.

Noes: None.

Absent: Ms. Galvin.

Following, the Supervisor said was a request from Chief LaChappelle to consider adoption of a resolution regarding receiving funds from the Governor's Traffic Safety Committee in furtherance of the traffic safety efforts. He said we have been offered a grant from the State of New York of \$20,000 for seat belt compliance and education in that area. He said we do have to pass the resolution in order to accept it.

The motion was made by Mrs. Fuller and seconded by Mr. Gunner to adopt the following resolution:

#### R E S O L U T I O N

RESOLUTION AUTHORIZING THE SUPERVISOR OF THE TOWN OF BETHLEHEM TO FILE AN APPLICATION AND ENTER INTO A GRANT AGREEMENT WITH THE GOVERNOR'S TRAFFIC SAFETY COMMITTEE ENABLING THE TOWN OF BETHLEHEM TO RECEIVE FUNDS FOR THE EXACT AMOUNT CITED IN THE APPROVED HS-1 GRANT AGREEMENT AND TAKE PART IN THE NEW YORK STATE'S HIGHWAY SAFETY PROGRAM.

WHEREAS, the Federal Government, through the Federal Highway Safety Program has made funds available to the State and units of local government under Section 402(c) of Public Law 89-564, as amended to assist them in establishing coordinated highway safety programs; and

WHEREAS, GTSC has been given the authority to review local programs and allocate funds to local applicants; and

WHEREAS, the Town of Bethlehem is desirous of participating in such a program and has developed the following project:

Seat Belt Compliance, Motorcycle Helmet Law Enforcement Education Project.

in accordance with the guidelines and objections of the Governor's Traffic Safety Committee.

NOW, THEREFORE, BE IT RESOLVED.

1. That the Supervisor of the Town of Bethlehem be and he hereby is authorized to file an application with the Governor's Traffic Safety Committee in order to receive funds for participation in the said project in the Town of Bethlehem and
2. That the Supervisor of the Town of Bethlehem be and hereby is authorized to enter into a grant agreement with the Governor's Traffic Safety Committee, pursuant to the above mentioned program.
3. That the Chief Executive of the Town of Bethlehem, be and hereby is authorized to advertise for bids and award contracts in accordance with this application.

Adopt  
Resolution  
Re: Funds  
from  
Governor's  
Traffic  
Safety  
Committee

Approved as to form:

/s/ Kenneth J. Ringler  
Kenneth J. Ringler, Jr.  
Supervisor, Town of Bethlehem

Acknowledge  
Receipt  
Quarterly  
Franchise Fee  
Cablevision

Supervisor Ringler said next he would like to acknowledge receipt of the quarterly franchise fee from Cablevision from April to June in the amount of \$18,949. He said once we get the new agreement in, we will get a lot more information than is here. Councilman Gunner said he thinks we should not be... people know the total we get... the approximate total we get for a year. Supervisor Ringler said \$18,000 times 4. Mr. Gunner said \$75,000 in round numbers per year. The Supervisor agreed.

Authorize  
refund of  
water rent  
overpayments

Supervisor Ringler said next he would entertain a motion to authorize reimbursement of water rent overpayments in the amount of \$16.82.

The motion was made by Mr. Gunner and seconded by Mrs. Fuller to authorize the reimbursement of water rent overpayments in the amount of \$16.82 to those individuals listed on the correspondence from Kenneth P. Hahn, Receiver of Taxes and Assessments dated August 4, 1992. The motion was passed by the following vote:

Ayes: Mr. Ringler, Mr. Webster, Mr. Gunner, Mrs. Fuller.  
Noes: None.  
Absent: Ms. Galvin.

Authorize  
Supervisor  
to sign  
easement for  
underground  
electrical  
Service  
Elm Ave. Park

Supervisor Ringler said next he had a request from David Austin, Administrator of Parks & Recreation Department, to authorize the Supervisor to sign an easement for underground electrical service at the Elm Park. He said this is a standard easement from Niagara Mohawk, the Town Attorney has reviewed it and sees no problem with us signing it. He said this is for the new Kids Place playground to get the electric in so that they can do their work over there.

Councilman Gunner asked Mr. Austin if all the electric service there is underground. Mr. Austin said no, we have some overhead. He said a lot of it is underground but we do have some overhead lines. Councilman Gunner asked nothing near the pool or anything like that. Mr. Austin said no, that is all underground. He said there are some overhead lines going into the office area, the maintenance area also. Mr. Gunner said all right, okay.

The motion was made by Mr. Webster and seconded by Mr. Gunner to authorize the Supervisor to sign an easement for underground electrical service at the Elm Avenue Park. The motion was passed by the following vote:

Ayes: Mr. Ringler, Mr. Webster, Mr. Gunner, Mrs. Fuller.  
Noes: None.  
Absent: Ms. Galvin.

Approve  
attendance of  
Peter Wenger  
Certified  
Training Program  
for Town Justices offered locally.

Supervisor Ringler said next is a request from Peter Wenger, Town Justice, for approval to attend the certified training program for Town Justice to be held October 18-21, 1992 at the Nevele with expenses paid. He said he is recommending that we pay the entire amount of this because this is required training and it is not offered locally.

The motion was made by Mrs. Fuller and seconded by Mr. Webster that Town Justice Peter Wenger be and he hereby is authorized to attend the certified training program for Town Justice to be held

October 18-21, 1992 at the Nevele, Ellenville, NY with expenses paid. The motion was passed by the following vote:

Ayes: Mr. Ringler, Mr. Webster, Mr. Gunner, Mrs. Fuller.  
Noes: None.  
Absent: Ms. Galvin.

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Supervisor Ringler said next is a request from Mrs. Hodom, the Clerk of the Court for approval to attend NYS Association of Magistrates Court Clerks, Inc., their 13th annual seminar October 18-21, 1992 at Nevele. This is not required training, according to the Supervisor for Mrs. Hodom, but again he is recommending that we pay the registration fee in line with the previous practices. Mrs. Capone asked how much and said they are both going at the same time. Supervisor Ringler asked Mrs. Capone not to interrupt. She said why don't they just take one room. Supervisor Ringler asked where the registration fee was. Ms. Newkirk, the Town Clerk, said she does not see the registration fee alone, she said it gives you your fees but she does not see where it stipulates the registration fees. Supervisor Ringler said it is the room fee. The Clerk indicated yes, that was what she meant, it has everything together. She said it does not give you a break-out. Councilman Webster asked what the room fee is. Supervisor Ringler said he thought it was included in this here, she will have to break that down because they have given a fee which is including a room. Supervisor Ringler said she had agreed to pay the whole thing, but he was recommending that we pay the registration fee. He said he thinks it is minimal and it may not be any at all to be honest with you because they are charging for the rooms on this form.

Approve  
Attend  
Barbara  
Hodom a  
NYS  
Magistr:  
Court C  
Annual  
Seminar

The motion was made by Mr. Webster and seconded by Mrs. Fuller that Mrs. Hodom be and she hereby is authorized to attend the 13th annual seminar of the New York State Association of Magistrates Court Clerks, Inc., October 18-21, 1992 at the Nevele in Ellenville, New York with registration fee paid. The motion was passed by the following vote:

Ayes: Mr. Ringler, Mr. Webster, Mr. Gunner, Mrs. Fuller.  
Noes: None.  
Absent: Ms. Galvin.

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Mrs. Capone asked if there was any reason why the 2 other Town Justices were not going. Supervisor Ringler said they can get that training at other places, there is twice a year. He said it was held at the New York State Associations of Towns in New York City in February and the other judge attended that course for his training. He said they do have to have it once a year at one of those two locations.

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Supervisor Ringler said next is a request from David Austin, Administrator of Parks & Recreation Department, for approval of seasonal personnel as per the attached list.

Approve  
Seasonal  
Personnel  
Parks & Rec  
Dept.

The motion was made by Mrs. Fuller and seconded by Mr. Webster that the personnel listed on the memorandum from David Austin, Administrator of Parks & Recreation Department, dated August 12, 1992 and on file in the Town Clerk's Office, be and they hereby are approved to serve at the pleasure of the Town Board. The motion was passed by the following vote:

Ayes: Mr. Ringler, Mr. Webster, Mr. Gunner, Mrs. Fuller.  
Noes: None.  
Absent: Ms. Galvin.

Authorize  
Supervisor  
To sign  
Lease  
Agreement  
for  
Boat Launch  
at Cedar Hill

Supervisor Ringler said the next is a request from David Austin, Administrator of Parks and Recreation, to authorize the Supervisor to sign a lease agreement for the boat launch at Cedar Hill.

DATE: August 6, 1992  
TO: Kenneth J. Ringler, Jr., Members of the Town Board  
FROM: David Austin, Administrator  
RE: Lease agreement for Boat Launch

As you are probably aware, for many years boaters have used a privately owned launch area in the vicinity of Henry Hudson Park to access the Hudson River. Recently, this area has been blocked, by someone other than the owner, with large, heavy objects. We have received a number of calls from residents, requesting that the Town attempt to have the launch re-opened.

I have been in contact with Paula and Townsend Morey, the owners, who have been extremely cooperative. They are boating enthusiasts and would like to see the public be able to use the launch. They will allow the Town to remove these objects, providing the Town will lease the launch area from them and assume any liability connected with it.

I have checked with the Army Corp. of Engineers who have jurisdiction over all tidal waters. They explained to me that the Town does not need a permit for an existing launch area, as long as we do not make improvements to, or disturb the area from the point of the highest tide down to the water.

I have also checked on insurance which does not seem to be a problem. (see attached letter).

I think it is in the best interest of the Town to have this area open for residents who presently have to go to Ravena or Albany to launch their boats. I would like to request that the Board authorize the Supervisor to sign the attached lease agreement.

Thank you for your consideration.

- - -

Supervisor Ringler said the lease is for a total of \$400. per year. He explained he is just using that to cover the tax payment, he guesses. Mr. Austin said yes. Mr. Ringler said we had many times -- just to bring this Board up-to-date -- prior and this happened long before his time, Mr. Austin would have to fill in -- had looked at the possibility of building a boat launch at the Town Park, the Henry Hudson Park. He said once you get into an extensive boat launch, you have to get a Corps of Engineers permit and their requirements are that we would build break waters and rather extravagant system which at that time was going to cost \$150,000 to \$200,000. Mr. Austin said over \$100,000. Supervisor Ringler said so the Town has never done it. He said this is there, it is existing, everyone seems to use it and when it was closed off, both his phone and Dave's phone rang off the hook because many people thought the Town owned it already. He said they did not realize that they were using private property. He asked Mr. Austin to see what he could do and he has done a nice job and Mr. Kaplowitz has been involved in this and has been involved in the drawing up of this lease agreement and he has no problem with it. Mr. Ringler said he thinks that... he talked with a couple boating enthusiasts last night telling them that this was on the agenda and they are quite pleased that we are able to do this but we won't be able to, as he told them, make any improvements because that involves a rather large permitting process and a large expenditure as well. He asked if there were any questions.

Councilman Webster said he thought it should be noted that the safety inspector from the insurance carrier looked at it and saw no problem with it for the record.

Councilman Gunner said he noticed it states for residents only, asking if we were going to post some kind of signage there. He said he thought it would be wise to because he did not know if that would

affect the insurance coverage. Mr. Austin said we can. Councilman Webster said there already is signage at the entrance to the park. Mr. Austin said he can request from the owner that we put up a sign at the launch area. Councilman Gunner said if he would let us, he thinks it would help him too. Councilman Webster said he thought it was a good point to Mr. Gunner. Supervisor Ringler said the other thing that he has suggested to Mr. Austin also is that he put a sign up that points parking into the Town park area. He said one of the problems with the neighbors is that they were parking on their property and that is one of the reasons that they put these blocks up. He said we will have to ask them to park in the Town property.

Supervisor Ringler asked if there were any other questions, complimenting Mr. Austin for a nice job done on this. He said he thinks people are going to be happy. He asked if anyone would like to make a motion to authorize the Supervisor to sign the lease agreement. The motion was made by Mr. Webster and seconded by Mr. Gunner that the Supervisor be and he hereby is authorized to sign the lease agreement for a boat launch at the Henry Hudson Park. The motion was passed by the following vote:

Ayes: Mr. Ringler, Mr. Webster, Mr. Gunner, Mrs. Fuller.  
 Noes: None.  
 Absent: Ms. Galvin.

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Councilman Gunner said he was down fishing in the river and he was trying to move them himself but he gave up, quickly, very quickly. Mr. Austin asked if he caught any strippers. Mr. Gunner said no, just a lot of eels.

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Supervisor Ringler said next was a request from Floyd I. Brewer, Editor of Publications, the Bicentennial Commission to go to bid for printing of the Bicentennial history. Could advertise on August 19 and open bids on September 2nd. He noted the committee has been working and doing a super job under... he guessed he was the editor in chief, he guessed was the best way to describe him, in putting a document together that he thinks many people are going to enjoy. He said again, a lot of this happened before this board was here but this work is being done through a grant from the General Electric Company who provided \$25,000. for the Town to do this and this will be ready in time for our Bicentennial. Mr. Brewer said it will and he was sitting here chuckling, Ken, when you were talking about the thickness of your draft or file was it -- his 5 drafts for 14 chapters would come up to here, that is how thick his files are from this project. The Supervisor said it is going to be a great document and he thinks we are all going to enjoy it.

Go To Bid  
 Printing  
 of Bicentennial  
 History.

Mr. Brewer said one quick thing, he showed the cover print that will be used. He said so the audience can see, it is an original painting by Len Tantillo, some of you know his work and asked this be passed down. Mrs. Capone asked if it represents a house in the village, what is it. Mr. Brewer said it is the Nicholl Sill house.

The motion was made by Mrs. Fuller and seconded by Mr. Gunner that the Town Clerk advertise for bids on the 19th day of August 1992 and receive and open bids on September 2, 1992 at 9:00 a.m. The motion was passed by the following vote:

Ayes: Mr. Ringler, Mr. Webster, Mr. Gunner, Mrs. Fuller.  
 Noes: None.  
 Absent: Ms. Galvin.

- - -

Supervisor Ringler asked if this was Cherry Hill. Mr. Brewer said it is the Nicholl Sill house in Cedar Hill. Mr. Ringler said this is the original Nicholl Sill without all the additions. Mr. Brewer said yes, 1795, not the very first one 1735, this is a bit enlarged come 1795. Mr. Ringler said he was down there several months ago, the owner opened it for a tour and the Nicholl Sill house

-- he has done a beautiful job restoring many of the rooms. Mr. Brewer agreed. Mr. Webster said he did some beautiful work for the Albany Tricentennial too. Mr. Brewer said the Town did a smart thing dropping that on him. Supervisor Ringler said that was right. Mr. Brewer said it probably cost him a half million dollars.

Supervisor Ringler thanked Mr. Brewer.

Acknowledge  
Receipt of  
Final Plat  
FROS  
Subdivision

Supervisor Ringler said next he would like to acknowledge receipt of Certificate of Approval of Final Plat for the FROS subdivision from the Planning Board for information purposes.

Adopt  
Resolution  
to  
Establish  
Capital  
Reserve  
Fund  
Bethlehem  
Sewer Dist.

Supervisor Ringler said the next item is a request from Bruce H. Secor, PE, Commissioner of Public Works, to adopt a resolution to establish a capital reserve fund for the Bethlehem Sewer District.

MEMORANDUM

TO: Members of the Town Board FROM: Bruce H. Secor, P.E.,  
Commissioner of DPW  
DATE: August 5, 1992  
SUBJECT: Proposed Capital Reserve Fund - Sewer District

In conjunction with the recommendation of the Capital Improvements Committee, I am recommending that a Capital Reserve Fund be established for the Bethlehem Sewer District to finance the cost of repair/replacement of Sanitary Sewer Facilities.

The types of projects contemplated are reconstruction and replacement of old sanitary sewer, upgrading of pumping station equipment, and facilities repairs, including acquisition of additional property.

Attached is a proposed resolution which would establish the Capital Reserve Fund. If the Town Board agrees in this matter and establishes the account. I will work with the Comptroller's office to come back with a specific fund transfer once the third quarter receipts have been tabulated for the Sewer District.

Please contact me if you have any questions or need further information.

Councilman Gunner asked if this was the best type of bookkeeping and so forth to do, makes it easier. Supervisor Ringler said yes and it is required by law to establish it.

Proposed Resolution to Establish  
Capital Reserve Fund  
For Bethlehem Sewer District

RESOLVED, that pursuant to Section 6-c of the General Municipal Law, as amended, the Town Board does hereby establish a Capital Reserve Fund to finance the cost of repair, reconstruction and replacement of facilities for the Bethlehem Sewer District, including acquisition of right-of-way.

The Town Supervisor is hereby directed to deposit moneys of this reserve fund in a separate bank account to be known as the "Bethlehem Sewer District Capital Reserve Fund".

The Town Supervisor is authorized to invest, from time to time, the moneys of this fund pursuant to Section 6-f of the General Municipal Law.

No expenditure shall be made from this fund, except upon authorization of Town Board pursuant to Section 6-c of the General Municipal Law.

The foregoing resolution was presented for adoption by Mr. Webster, was seconded by Mr. Gunner and was passed by the following vote:

Ayes: Mr. Ringler, Mr. Webster, Mr. Gunner, Mrs. Fuller.

Noes: None.  
Absent: Ms. Galvin.

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The Supervisor said next they would like to do the same thing for the Water District.

Proposed Resolution to Establish  
Capital Reserve Fund  
For Water District No. 1

RESOLVED, that pursuant to Section 6-c of the General Municipal Law, as amended, the Town Board does hereby establish a Capital Reserve Fund to finance the cost of reconstruction of Water District Facilities, including acquisition of right-of-way.

The Town Supervisor is hereby directed to deposit moneys of this reserve fund in a separate bank account to be known as the "Water District No. 1 Capital Reserve Fund".

The Town Supervisor is authorized to invest, from time to time, the moneys of this fund pursuant to Section 6-f of the General Municipal Law.

No expenditure shall be made from this fund, except upon authorization of Town Board pursuant to Section 6-c of the General Municipal Law.

The foregoing resolution was presented for adoption by Mr. Webster, seconded by Mr. Gunner and was passed by the following vote:  
Ayes: Mr. Ringler, Mr. Webster, Mr. Gunner, Mrs. Fuller.  
Noes: None.  
Absent: Ms. Galvin.

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Supervisor Ringler said next was a recommendation from the Superintendent of Highways, Gregg Sagendorph, to expand the mandatory residential and commercial recycling.

August 7, 1992

Bethlehem Town Board  
445 Delaware Avenue  
Delmar, NY 12054

Dear Board Members:

In response to the list of unacceptable items able to be tipped at the Answers facility as of September 1, 1992 (see attached), I recommend that the following additional materials be included in the Town's mandatory recycling law, effective September 1, 1992:

- brown Kraft paper bags
- corrugated cardboard
- magazines, catalogs and junk mail (excluding window envelopes)
- office paper and high grade paper
- plastics (#1 thru #7)

It is recommended that the expanded list of recyclables be mandated for both the residential and commercial sectors.

A meeting to discuss the new rules set by Answers and this pending recommendation was held with the local trash haulers on July 25, 1992. It was the consensus of opinion that the haulers be responsible for the manner of collection and the delivery of the recyclables to a proper facility. As stated in the Answers memo, new local markets are or will soon be open to accept these additional materials. In anticipation of these changes, local haulers have been notified to amend their current recycling plans by August 17, 1992. These plans must be approved by the Town before they can be implemented.

Once the local markets for recyclables are open and "on line", it is my recommendation that the Town close its Materials Reprocessing Facility (MRF). This facility was operated on an interim basis until local markets became available for us as well as the private hauler. The tipping fee being offered locally is

Expand  
Mandatory  
Residential  
and  
Commercial  
Recycling

actually less than the fee the Town was charging at the MRF. In addition, the market the Town has been utilizing in Syracuse since the MRF opened in September of 1990 will not accept certain items on the list of expanded recyclables.

Thank you for your consideration.

Very truly yours,  
/s/ Gregg A. Sagendorph  
Superintendent of Highways

- - -

Supervisor Ringler asked Mr. Sagendorph, since he wrote this letter, there apparently has been some confusion between the City of Albany and the new vendors and perhaps he could bring this to the attention of the Board. Mr. Sagendorph said trouble in paradise. He said what you have in front of you is a couple inches of contracts and handouts and fliers and welcome to the world of solid waste. Supervisor Ringler said they have been there. Mr. Sagendorph said Albany has handed to all its haulers at the scale house at the Answers facility, this paper that as of September 1st, they are not accepting these materials. He said they are also recommending at the bottom that Kruger Recycling and New Options on Waste -- which is Answers has contracted with to take the recyclables from all the participating municipalities -- that these recyclers will take what Albany has listed. He said that is not the case. He said we got as late as yesterday afternoon in the mail from New Options on Waste and from Kruger their list of will accept and won't accept and they will not accept some of the items that Albany has on their list of unacceptables. He said we do not have a home for some of these items. Supervisor Ringler asked what Albany has said about this. Mr. Sagendorph said we have not had a chance -- he and Mrs. Fisher have been on the phone both, they both got the mailing yesterday and they are trying to circumvent this and get them together and it is not working. Supervisor Ringler said he then guessed and again this is his recommendation, that this aspect of it should probably be tabled because we do not want to mandate something that Albany is not able to handle. Mr. Sagendorph said absolutely. Mr. Ringler continued, he knows that Albany had said originally that it was going to take them a month or two to gear up in any event, so he does not think there is going to be a major problem here. But, he certainly does not want us to mandate something that no one has any way of disposing of at this point in time in his view. Mrs. Fuller said this goes into effect September 1st. Supervisor Ringler said supposedly, yes, you see Albany does not have a mandatory recycling law just yet -- do they. Mrs. Fisher said it becomes effective on September 1st but she wanted to make a comment -- New York State recycling legislation comes into effect September 1, 1992 but we already have our legislation in effect and have been using it so we already are in compliance with New York State regulations. Supervisor Ringler said we have been ahead of them for 2 years. He said this only is the items. He said the legislation of the State says that you should recycle items which are recyclable and there are markets for. He said that is why we are into what we are into now, Albany was going to go into this in a greater detail as this other market was opening up but now it is a question has to what that market really is. He said so he thinks it would be in our best interest at this point in time to table this until this gets clarified. He said if it does get clarified before we mandate it, the haulers can be putting out to their customers that they are going to do, in any event as to how they wish them to handle the additional items on a voluntary basis at least. Mr. Sagendorph said we just want to get the list of additional items exact. Supervisor Ringler said straight, exactly. Mr. Sagendorph continued as to where they are headed. Supervisor Ringler said exactly, good. He said that aspect of it he would entertain a motion to table.

Mrs. Fuller made a motion to table the expansion of mandatory recyclables of additional materials, was seconded by Mr. Gunner and passed by the following vote:

Ayes: Mr. Ringler, Mr. Webster, Mr. Gunner, Mrs. Fuller.  
Noes: None.

Absent: Ms. Galvin.

Councilman Gunner said he had a question, not on the agenda. Supervisor Ringler said okay. Mr. Gunner asked Mrs. Fisher if she could tell him if we have any plans -- while he has her here -- do we have any plans to pick up some residential type hazardous waste, paint particularly. He said he has a lot of people ask him that. Mrs. Fisher said no, we have not made any plans, she does have a suggestion which she has not gotten an okay on -- that won't take care of all hazardous waste but will take care of some things. She said but she does get many calls constantly and gradually -- she means she is not getting everybody but she is gradually teaching people and helping them get rid of the things properly and most people that she talks to find that 3/4 of what they have they can get rid of safely. She said they may only have 2 items that should be saved for something special. She said most of them are willing to save it unless they are moving. Supervisor Ringler said one of the problems with hazardous waste is the cost. He asked Mr. Secor how much it would cost for a 1 day hazardous waste program. Mr. Secor said they have had an offer from the people in Glenmont, which is Clean Harbors, they were going to supply the technicians -- there has to be federal hazardous waste permit, state hazardous waste permit, everything has to go in 55 gallon drums, packed with vermiculite or some inner deal, it has to be shipped to Buffalo, and stored in a hazardous waste site and to do all that for some paint you did your living room with seems a little stupid to me. He said they were looking at \$30,000 to \$70,000 for a one day household hazardous waste type thing. He said the other problem is that there is waste out there, certain of the pesticides and things, for which there is no known disposal method. He said it is just frightening, some of the things that come in. He said Albany ran one but-- did they run 2 now. Mrs. Fisher said no, this is their third, this past June. Mr. Secor said okay, the first one they ran cost them \$100,000+ by the time they did everything. He said the second one was -- it was an enormous amount of money.

Discussior  
Hazardous  
Waste  
Pickup

Supervisor Ringler said Albany invited us to participate but they wanted from us \$100. per user, wasn't it. Mr. Sagendorph said the bill wound up per user that day to \$228. per vehicle that entered, whether they had one can of paint or a trunk load. Mr. Secor said they had a couple cans of used paint. He means what Sharon is getting to is that what we are telling people to do is paint something. He said you bought this stuff as paint, paint the inside of a closet, paint the inside of your garage, paint your attic -- he does not care what you paint, paint something. Supervisor Ringler said once the paint is out of the can, it is no longer hazardous, is that correct. Mr. Secor said right. Mrs. Fisher said when it is dried it is no longer hazardous. Mr. Webster asked aren't we telling people to put this in their garage over the winter and when they come out in the spring it is frozen it is gone, it is dried up and it is disposable. Mrs. Fisher said right. Mr. Webster said he does it every fall. Mr. Secor said if you have a little half inch or inch left in the bottom of the can, the best thing to do is to open it up and let it air dry and then it is a solid waste and it is not a hazardous waste and it is gone. But, Mr. Secor continued, if you have a lot left, maybe you can get it repigmented, if it is the wrong color, go back and have them put some dark pigment in it and paint the inside of a closet. He said the best thing to do is to use it, to do something with it.

Supervisor Ringler said he thought Mrs. Fisher has written a couple of columns on this, asking if she had. Mrs. Fisher said she has written several and actually she is going to be at the Town Park Saturday for Safety Awareness Day that GE is having and that is what she is going to be displaying and whoever comes up to me, we can talk about it. Councilman Webster said if everybody dumped it into one barrel, we could come up with a nice pretty plaid paint, maybe or something, you know. Mrs. Fisher said Bethlehem beige. Supervisor Ringler said you could paint the recreation building. Mr. Austin said oh, no, he was sure it would be a lovely color. Supervisor Ringler said it would be original.

The Supervisor said one item he would like to ask the Board for approval of tonight is both of the companies are looking for us to sign a contract with them for what we would bring from our Rupert Road facility. He said he is not in the position, at this point in time, to tell you that he wants the Board to authorize him to sign the contracts because our attorneys have many questions about them, but he would like permission to have authority to send a letter of intent to them stating that we intend to negotiate a contract with them. He said they need that for their files, for some reason he does not know what the purpose is... possibly DEC, he does not know. He said this does not require us anything, only that we intend to try and negotiate a contract. Mr. Sagendorph said it would let us in at the preferential tipping fee at both facilities but he would do the letter of intent with the stipulation that Albany Answers and the recycler come up with an accurate list of what is acceptable to which facility. Supervisor Ringler said no question. Mr. Gunner asked if our attorneys will be looking at this contract. Supervisor Ringler said absolutely because they are horrendous. He asked if anyone wished to offer a motion to authorize him to send that letter of intent.

Authorize  
Supervisor  
To send a  
Letter of  
Intent  
Re: Rupert Road  
Facility

The motion was made by Mrs. Fuller and seconded by Mr. Webster to authorize the Supervisor to send a letter of intent. The motion was passed by the following vote:

Ayes: Mr. Ringler, Mr. Webster, Mr. Gunner, Mrs. Fuller.  
Noes: None.  
Absent: Ms. Galvin.

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Supervisor Ringler thanked Mr. Sagendorph, Mrs. Fisher and Mr. Secor.

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Supervisor Ringler said the next item -- okay that was the next item on the agenda, he did not realize it was listed separately.

Request  
Approval  
Water District  
Extension  
Citgo  
Petroleum  
and  
Set Public  
Hearing

The Supervisor said the next item was a request from Mr. Secor, Commissioner of Public Works for approval of request for water district extension by Citgo Petroleum, Route 144, Glenmont, NY. He asked Mr. Secor to give an overview of what the extension is all about.

Mr. Secor said the Board has copies of the engineer's map, plan and report and basically -- he did not know where to stand, he would stand on this side -- the water line already goes down and services some of the industrial facilities -- indicating the location of the Niagara Mohawk electric generating station, here is the Hudson River -- so there is already an extension down in this area. He said the Citgo property is just to the south of the existing extension and they would like to extend the water main from in front of Airco or Air Products -- Supervisor Ringler said Air Products -- he said he always guesses wrong but anyway, from down there onto their site and basically provide a potable drinking water supply and some fire protection. He said they now pump water from the river into big storage tanks and they have to use fuel oil all winter to heat those things and keep them from freezing and it is a big problem to them, so they want to do this. He said basically they are just taking in their property and this extension is basically just one property owner and they are just adjacent to the existing district.

Supervisor Ringler asked if they would be paying for all of this. Mr. Secor said they will pay all the costs. Mr. Webster said that will bring us about 1300 feet closer to looping with Wemple Road then. Mr. Secor said yes, they are going to come... almost half way -- he can't remember the name of the road that goes up to the radio station. Mr. Sagendorph said Smultz Road. Mr. Secor said they are going to come about half way to Smultz Road, so we are getting closer, we are getting in the right direction. Mr. Webster said someone else's doughnut.

Supervisor Ringler asked if there were any questions. There were none. The Supervisor said we have to set a public hearing on

that and his recommendation would be September 9, 1992 at 8:00 p.m. although it might be a little late, he would like to schedule it at that point. Mrs. Fuller asked if he wanted to have them the same night. Supervisor Ringler said this one should be no problem, it would not take too long at all.

The motion was made by Mrs. Fuller and seconded by Mr. Gunner that a public hearing be held September 9, 1992 at 8:00 p.m. in regard to the proposed Water District No. 1 Extension for Citgo Corporation, Route 144, Glenmont, Town of Bethlehem. The motion was passed by the following vote:

Ayes: Mr. Ringler, Mr. Webster, Mr. Gunner, Mrs. Fuller.  
Noes: None.  
Absent: Ms. Galvin.

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Supervisor Ringler said the next item was a request from Mr. Secor, Commissioner of Public Works, for acceptance of deed and easement from Peter Belmonte Builders, Inc. for Indian Hills Section 2, pending approval of Town Attorney. Mr. Ringler asked Mr. Secor if he has looked at this yet. Mr. Secor said he did not know. Mr. Ringler said when this is done it will be done pending approval of the Town attorney. He said this would also be a reduction in the Letter of Credit to \$13,000., asking Mr. Secor if this was correct. Mr. Secor indicated it was correct.

Accept  
Deed &  
Easements  
Indian  
Hills  
Sect. 2  
from  
Peter  
Belmonte

The motion was made by Mrs. Fuller and seconded by Mr. Gunner that the deed and easement from Peter Belmonte Builders, Inc. for Indian Hills Subdivision Section 2 be and they hereby are accepted, and the reduction in bonding to \$13,000. is hereby approved, pending approval of the Town Attorney. The motion was passed by the following vote:

Ayes: Mr. Ringler, Mr. Webster, Mr. Gunner, Mrs. Fuller.  
Noes: None.  
Absent: Ms. Galvin.

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Supervisor Ringler said next was a request from Mr. Secor, Commissioner of Public Works, for approval of attendance of William Borger at the Grade II Wastewater Treatment Plant Operator's course at Hudson Valley Community College, September 15 through November 24, 1992 with expenses paid.

Approve  
William  
Borger's  
Attendance  
at Grade II  
Wastewater  
Treatment  
Plant  
Operators'  
Course

MEMORANDUM

TO: Members of the Town Board  
FROM: Bruce H. Secor, Commissioner DPW  
DATE: August 10, 1992  
SUBJECT: Mr. William Borger Licensing Requirements

Attached is an announcement from Hudson Valley Community College Continuing Education Division for the Grade II Wastewater Treatment Plant Operator's course which will be given between September 15 and November 24, 1992.

In the past, we have had to send employees all the way to Morrisville to obtain this training. It is fortunate now that it is available locally, as it will save us the additional expense of motel bills. This course is a requirement in order to obtain a Wastewater Operator's License. Mr. Borger is currently an Operator Trainee and has completed the basic laboratory course and now needs to complete this course at Hudson Valley in order to successfully obtain his operator's license.

I request the Town Board approve Mr. Borger attend the course at Hudson Valley and that the town pay the course fee of \$400 and authorize reimbursement for mileage expense. Again, this is a savings over our previous experience which required us to send someone to Morrisville.

Please contact me if you have any questions or need further information.

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The motion was made by Mr. Webster and seconded by Mr. Gunner that William Borger be and he hereby is authorized to attend the Grade II Wastewater Treatment Operator's Course at Hudson Valley Community from September 15 through November 24, 1992 with expenses paid. The motion was passed by the following vote:

Ayes: Mr. Ringler, Mr. Webster, Mr. Gunner, Mrs. Fuller.  
Noes: None.  
Absent: Ms. Galvin.

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Appoint  
Republican  
Election  
Inspectors  
and  
Poll Clerks  
7/15/92 to  
7/14/93

Supervisor Ringler said next he would entertain a motion to authorize the resolution appointing the Republican Election Inspectors and Poll Clerks for the year July 15, 1992 through July 14, 1993.

The following resolution was offered by Mr. Webster and seconded by Mr. Gunner:

RESOLVED, that pursuant to Article 3 of the Election Law, the following persons be and they hereby are appointed Election Inspectors and Poll Clerks as recommended by the Republican Committee for the term beginning July 15, 1992 through July 14, 1993 as per the attached lists. (SEE LISTS FILED IN TOWN CLERK'S OFFICE.)

The resolution was adopted by the following vote:  
Ayes: Mr. Ringler, Mr. Webster, Mr. Gunner, Mrs. Fuller.  
Noes: None.  
Absent: Ms. Galvin.

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Supervisor Ringler asked if there was anything else anyone would like to bring to the attention of the Board this evening.

Mr. Sherwood Davies said he would like to make three or four comments with regards to your budget that will be forthcoming. Yesterday, Mr. Davies said, he thinks maybe some of you noticed in the Albany Times Union the lower court decision with regards to State and local retirement pension funds. He said it indicated that if the upper courts approve that the retirement costs to local government may increase -- he would suspect, 3, 4, 5 fold. Supervisor Ringler said thanks to our State gimmicks. Mr. Davies said the point is that he thinks the local government should be prepared for something like this and not have it come upon them... Supervisor Ringler said, Mr. Davies we always try to prepare for those things, as you know.

Mr. Davies said the second thing has to do with the County sales tax which will be increased over 14 percent and he would like to urge that the Board consider reducing property taxes, if possible, by this essentially a windfall this next year. He said because as the Board well know, about 50 percent of our citizens will be having their taxes raised through this reassessment and many of these are older folks.

Mr. Davies said the last point he would like to make is that you will be developing a Town budget. He said he is sure it will go through your staff people but he would like to urge that... Supervisor Ringler said it has already started. Mr. Davies continued that he would like to urge with regards to particularly the sewer fund -- you have three charges in the tax, the property tax, the front footage assessment, water use surcharge. He said water use surcharge exceeds by 60 percent our water rents. He said he would only ask that the Board provide guidance and rational ahead of time as to where these specific monies that will be collected will be going to -- whether it is bonded indebtedness, operation of the sewage plant, or maintenance of our sewers and pump stations. Mr. Davies thanked Supervisor Ringler. Mr. Ringler thanked Mr. Davies.

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Supervisor Ringler asked if there was anything else. Hearing none, the motion was made by Mrs. Fuller and seconded by Mr. Webster to adjourn the Town Board meeting at 8:40 p.m. The motion was passed by the following vote:

Ayes: Mr. Ringler, Mr. Webster, Mr. Gunner, Mrs. Fuller.  
Noes: None.  
Absent: Ms. Galvin.

*Kathleen A. Newkirk*  
Town Clerk