



388

Town Clerk Newkirk indicated she is attempting to get the Democratic list from Chairman Matthew Clyne. Councilwoman Davis said she understands this situation.

-----

Poll Clerks recommended by Republicans appointed

The following item was for the approval of appointment of Poll Clerks recommended by the Republican Committee of the Town of Bethlehem for the term July 15, 1996 through July 14, 1997 as listed.

The motion was made by Mr. Lenhardt and seconded by Mrs. Davis to approve the appointment of Poll Clerks to work Election Day as recommended by the Republican Committee of the Town of Bethlehem as listed for the term July 15, 1996 through July 14, 1997. The motion was passed by the following vote:

Ayes: Mr. Putney, Mr. Lenhardt, Mrs. Davis, Mr. Johnson.  
Noes: None.  
Absent: Mrs. Fuller.

- - -

Councilwoman Davis asked Town Clerk Newkirk if the districts with vacancies will have appointments later. Town Clerk Newkirk indicated this was correct, noting Mrs. Brown will bring in additional names for both the Clerks and Inspectors.

-----

John C. Capron appointed as Marriage officer for the Town of Bethlehem

The following item was a request from John C. Capron, South Bethlehem, NY for approval of appointment as Marriage Officer for the Town of Bethlehem. Councilman Putney indicated this would be the second appointment to the position of Marriage Officer. Town Clerk Newkirk said Barbara Hodom, Court Clerk, is a Marriage Officer and this would be an additional appointment. Attorney Kaplowitz noted there are judges who can do it, however, they do not want to do it because it is Saturdays and Sundays. He said there is a small compensation allowed, however, there are a lot of people who don't pay anything. He said this got to be a problem, so the law was changed around so other people can become Marriage Officers.

Attorney Kaplowitz noted he thought they could perform ceremonies within Albany County. Town Clerk Newkirk noted the law stipulates within the jurisdiction where they are appointed.

Councilman Lenhardt asked if there was a need for more than 1 Marriage Officer above and beyond the 2 judges. Councilman Johnson said he had the same question. Councilman Lenhardt said he did not have a problem one way or the other but this could be the beginning of a number of these requests. Attorney Kaplowitz said he thinks there is a need from talking with the judges because they both try to avoid doing marriages. Councilwoman Davis asked if a decision not to appoint could be made if there are any future requests. Attorney Kaplowitz indicated the Board could stop the appointments any time they wished. He further said the Board could reach a point where they feel there are enough appointed and there is no need for additional appointments.

Mention was made that there are several references noted on the information submitted by Mr. Capron and the Supervisor has spoken with Mr. Capron recommending this appointment.

The motion was made by Mr. Lenhardt and seconded by Mrs. Davis to approve the appointment of John C. Capron, South Bethlehem, New York as Marriage Officer for the Town of Bethlehem. The motion was passed by the following vote:

Ayes: Mr. Putney, Mr. Lenhardt, Mrs. Davis, Mr. Johnson.  
Noes: None.  
Absent: Mrs. Fuller.

- - -

Councilwoman Davis noted she would like to make a stipulation that any future requests be considered with regard to the need for additional Marriage Officers.

-----

The following item was to accept the resignation of Member, Kevin Shea, of the Traffic Safety Committee. Councilman Putney indicated he has been a Member of the Committee since its inception.

Accept resignation from Kevin Shea from Traffic Safety

The motion was made by Mr. Lenhardt to accept the resignation of Kevin Shea as Member of the Traffic Safety Committee with regret. The motion was seconded by Mrs. Davis and passed by the following vote:

Ayes: Mr. Putney, Mr. Lenhardt, Mrs. Davis, Mr. Johnson.

Noes: None.

Absent: Mrs. Fuller.

- - -

Councilman Johnson asked if it would be in order for the Supervisor or the Board to write a thank you letter to Mr. Shea for his years of service. Councilwoman Davis said she thought that was automatic. Town Clerk Newkirk indicated the letter would be prepared. Councilman Johnson noted as Ted had said, Mr. Shea had been with the Committee from the beginning and has worked very hard.

-----

The next item was a recommendation from Cable Administrator, Judith Kehoe, for approval of change in franchise agreement with A-R Cable pertaining to ownership. Councilman Putney said A-R Cable is required under the franchise agreement with the Town to have approval of the Town Board with regard to any change in ownership. He said the ownership change proposed is simply an internal one whereby they would fold A-R Cable Services - NY, Inc., into its parent, A-R Cable Services, Inc. He further noted the change has been approved by the NYS Cable Television Commission before its demise. The proposed change comes with a recommendation for positive action by the Cable Administrator.

Cable administrator for approval change A-R Cable pertaining to ownership Resolution for transfer

The following resolution was presented:

TOWN OF BETHLEHEM  
(ALBANY COUNTY)  
RESOLUTION  
CONSENTING TO TRANSFER  
OF CABLE TELEVISION FRANCHISE INTERESTS

Before the  
Town Board of the Town of Bethlehem  
Albany County, State of New York

WHEREAS, the Town of Bethlehem heretofore has granted a franchise for the operation of a cable television system within the Town to A-R Cable Services - NY, Inc. ("A-R"), and has entered into a Franchise Agreement with A-R. dated September 25, 1992, which Franchise Agreement describes certain terms and conditions applicable to A-R's exercise of said franchise;

WHEREAS, Subdivision (B) of Section 21 of said Franchise Agreement provides as follows:

(B) No change in control or controlling interest of A-R, the Cable Television System or the franchise granted herein shall occur after the effective date hereof, by act of any person holding control of the A-R, the Cable Television system or the franchise granted herein, by operation of law or otherwise without the prior written consent of the Town which will not be unreasonably withheld or delayed. For purposes of this subdivision, the term "control" shall mean "effective majority control or actual working control;" and the term "controlling interest" shall include any ownership interest, including beneficial ownership, with a direct or indirect interest by any person or group of persons equal to ten percent (10%) of the ownership of A-R or any successor-in-interest thereto.

WHEREAS, a restructure has been proposed of the ownership and control of A-R's parent company, A-R Cable Services, Inc., pursuant

to the provision of the Letter Agreement dated June 14, 1996, among A-R Cable Services - NY, Inc., and A-R Cable Services, Inc., and the attachments and amendments thereto ("Letter Agreement"), and consistent with the order of approval of said restructure adopted by the New York State Commission on Cable Television (}NYSCCT}) on January 18, 1994, which proposed restructure would result in the transfer of certain assets and liabilities now owned by A-R Cable Services - NY, Inc.;' to A-R Cable Services Inc.

WHEREAS, A-R has requested that the Town grant its written consent to the above described restructure of A-R Cable Services Inc. pursuant to the Letter Agreement and consistent with the January 18, 1994 approval of the NYSCCT: and

WHEREAS, the Town has given due consideration to the above-referenced request of A-R for consent to the above described restructure of A-R Cable Service, Inc., and has determined that such consent would be appropriate and consistent with the public interest;

NOW, THEREFORE, BE IT RESOLVED, that the Town of Bethlehem does hereby grant its consent to the proposed restructure of A-R Cable Services, Inc. pursuant to the Letter Agreement, and that the Town Clerk is hereby authorized and directed to provide A-R with a written confirmation of this Resolution and such consent.

The foregoing resolution was presented for adoption by Mr. Johnson, seconded by Mrs. Davis and passed by the following vote:

Ayes: Mr. Putney, Mr. Lenhardt, Mrs. Davis, Mr. Johnson.  
Noes: None.  
Absent: Mrs. Fuller.

-----

Approve  
Town Board  
Minutes  
June 12 and  
June 26, 1996

The following item was to approve the Town Board minutes of June 12 and June 26, 1996 as submitted.

The motion was made by Mr. Lenhardt and seconded by Mr. Johnson to approve the Town Board minutes of June 12 and June 26, 1996 as submitted. The motion was passed by the following vote:

Ayes: Mr. Putney, Mr. Lenhardt, Mrs. Davis, Mr. Johnson.  
Noes: None.  
Absent: Mrs. Fuller.

-----

Highway  
Superintendent  
award Topsoil  
bid to Peter  
Frueh, Inc.

The following item was a recommendation from Highway Superintendent, Gregg Sagendorph, for award of bid for Topsoil to Peter Frueh, Inc., Feura Bush, NY. Councilman Putney indicated this was the second bidder earlier this year and the first vendor has been providing unacceptable quality product. Therefore, the Highway Superintendent is recommending award to the second bidder.

The motion was made by Mrs. Davis and seconded by Mr. Lenhardt to approve the award of bid to Peter Frueh, Inc., Feura Bush, NY for topsoil for the remainder of 1996, due to the first vendor providing unacceptable topsoil. The motion was passed by the following vote:

Ayes: Mr. Putney, Mr. Lenhardt, Mrs. Davis, Mr. Johnson.  
Noes: None.  
Absent: Mrs. Fuller.

-----

Commissioner  
of Public Work  
approval  
release of  
bonding Bender  
Lane water  
extension

The next item was a request from Bruce Secor, Commissioner of Public Works, for approval of release of bonding for the Bender Lane Water District Extension.

The motion was made by Mr. Lenhardt and seconded by Mr. Johnson to approve the release of bonding for the Bender Lane Water District Extension as recommended by Mr. Secor, Commissioner of Public Works. The motion was passed by the following vote:

Ayes: Mr. Putney, Mr. Lenhardt, Mrs. Davis, Mr. Johnson.  
Noes: None.  
Absent: Mrs. Fuller.

-----  
Councilman Putney asked if anyone wished to address the Board.  
There were none.

The motion was made by Mrs. Davis and seconded by Mr. Lenhardt  
to adjourn the regular Town Board meeting at 7:42 p.m. The motion  
was passed by the following vote:

Motion to  
adjourn regular  
meeting

Ayes: Mr. Putney, Mr. Lenhardt, Mrs. Davis, Mr. Johnson.  
Noes: None.  
Absent: Mrs. Fuller.

*Kathleen O. Newkirk*  
Town Clerk