

TOWN BOARD  
DECEMBER 10, 1997

A regular meeting of the Town Board of the Town of Bethlehem was held on the above date at the Town Hall, 445 Delaware Avenue, Delmar, NY. The meeting was called to order by the Supervisor at 7:30 p.m.

PRESENT: Sheila Fuller, Supervisor  
Freeman T. Putney, Councilman  
George Lenhardt, Councilman  
Doris M. Davis, Councilman  
Robert C. Johnson, Councilman  
Bernard Kaplowitz, Esq., Town Attorney  
Kathleen A. Newkirk, Town Clerk

Supervisor Fuller welcomed everyone to a regular meeting of the Bethlehem Town Board. She asked Councilman Davis to lead the pledge of allegiance. Supervisor Fuller thanked Councilman Davis.

Presentation by Cablevision regarding rate increase

The first item was a presentation by Cablevision regarding their recent rate increase. Supervisor Fuller indicated Mr. George Smede was in attendance, who is manager of Cablevision. She said some people called to Town Hall asking why the rate increase and she felt it appropriate for Cablevision to come and address the concerns that have been raised.

Mr. Smede thanked everyone for asking them to come to the meeting and explain this. He said this is a concern to people. He introduced Mr. Will Cuker, Marketing Manager. He gave a brief presentation and overview of Cablevision. The current and previous number of channels along with rate charges were explained to help everyone understand the change. He included information regarding competition to Cablevision. He said he thinks they have competitive pricing in comparison to the other alternative providers. He said they also have free service calls, free basic and family service on additional outlets, and on-time guarantee. He noted the Bethlehem system started back in 1978 and a complete rebuild was completed in 1996, noting it basically took 6 years to do. The cost was approximately 3.5 million dollars, according to Mr. Smede. The rebuild permitted an increase in channels from 35 to 77. He said they added the golf channel and home and garden channel, Turner classic movies, romance classics and extended C-span to a 24 hour service.

Mr. Smede said many people ask why this was done. He said the investment must be paid for and they have to make the investment to improve the quality of the programming and the service that is provided. He said the other side of that is the programming cost that they have to pay to the programmers through a contract signed in some cases for 1, 2 or 3 years. He said new contracts are always looking for higher rates from Cablevision that must be passed on to the subscribers. He said, of course, the other factor is inflation. He said their costs of operation do go up every year and they have to cover the cost. He said these figures are all plugged into a formula that the Federal Communications Commission provides. He said it is almost like doing income tax, you plug the numbers. He said they do not go by that number except that that number tells Cablevision they cannot go above it. He said anything they come up with has to fit in that FCC formula. He said they end up having to be consistent and meet and abide by the FCC rate formula.

Mr. Smede showed the information included with the bills to explain the from and to of the change for the subscribers. It showed the change from what is being paid now and what will be charged as of January 1.

Mr. Cuker reviewed the marketing aspects. He discussed how programs were chosen indicating it was from surveys, requests of customers and statistics that different programs are offered. He said they contact a percentage of the subscriber base to get input in regards to how they are doing within the community, the service issues and programming issues. He said all of this information is

used to make decisions on how and what subscribers want to have. He used the golf channel as an example and the fact that their have been inquires for over a year. He exhibited a newspaper article from the Times Union regarding the popularity of golf in this area, noting this information was used in the decision to offer the golf channel. He noted certain channels are pay-per-view service. He also noted subscribers can choose the services they wish to use.

Mr. Cuker said the industry is constantly evolving and at this time the internet is a part of this. Telecommunications is where cablevision is heading.

Mr. Smede entertained questions. Councilman Lenhardt asked what the plans are to provide internet access in the Bethlehem area. Mr. Smede said to be honest, right now Cablevision System Corporation, which is the current company, is in the process of selling this system. He said at this point in time, although they will be providing service as usual, there will not be any action probably until late 1998 along those lines. He said right now there are no plans for that.

Residents addressed questions regarding the service and channels that are offered including information regarding the rate increase. Issue was raised regarding no address, telephone number or contact person listed in the letter sent to customers. Question was also raised regarding the business plan for Cablevision and its being up for sale. Mr. Smede explained the original business plan has been met, however, the future is telecommunications and this system will need a large investment to move forward. He said the business plan is no longer to only provide entertainment but telecommunications is now involved. He said the growth is necessary to remain competitive.

A resident complimented Cablevision on their product and service. Again, the problem of phone availability was addressed. The issue of competitive offerings and a comparison of the charges by Cablevision was questioned. Cablevision representatives addressed the issue for the resident. Another resident asked to have the hockey channel remain.

Councilman Johnson addressed the FCC controls on the rates issue and asked if the NYS Public Service Commission also has an affect on the rates. Mr. Smede said there are 3 levels -- the Federal and that is where the forms are filed; the State level which is the Public Service Commission which reviews the rates and some municipalities have elected to let the PSC regulate it for them; and then there is the local level. He said any time the rates do not meet the standards, there are 3 levels of review.

Councilman Putney addressed the issue of the letter not having a way to respond to it. Mr. Smede said the address is on the envelope. Mr. Putney asked why it was done that way. Mr. Smede said normally there is information on the letter, but in the future he said he will put a phone number on it. He said he thought normally there was one. Councilman Davis said there is an address and an 800 number on the bill. Mr. Smede said they do not make the letters up but they do review them and he did not catch that. He said he thought whoever made them up figured the subscribers know how to get in touch with them. Councilman Davis said there is a phone number on the bill and she has used it.

Councilman Putney asked Mrs. Kehoe, Cable Administrator, if she was aware of any regulation or anything in the contract that requires Cablevision to be available or produce telephone numbers or addresses or anything. Mrs. Kehoe said the information is on the bill itself. She said the franchise specifies that that information has to be included periodically through the year and she knows that the annual things do go out, noting what is in the franchise has been complied with. Councilman Putney asked how long the contract is. Mrs. Kehoe said it terminates in 2001.

Supervisor Fuller asked if there were any more questions. Councilman Lenhardt asked if Capital Wireless was available in the core section of Bethlehem. Mr. Smede indicated it was. Councilman

Lenhardt asked how you obtain the service, asking if it was a dish. Mr. Cuker noted it was an antenna that you mount on top of the roof.

Mr. Cuker noted through the surveys and information former customers have been returning to Cablevision because they have found out it is better. He suggested everyone get all the facts before making a change because Cablevision is fairly priced for the service provided. He suggested everyone go out and check themselves.

Councilman Lenhardt noted they estimated the customer base to be approximately 8,000 in Bethlehem but he said he heard numbers to the tune of 30,000 subscribers and asked if that was the potential customer base of Bethlehem or if it goes beyond the borders of Bethlehem. Mr. Smede said that is the service area, beyond the borders of Bethlehem. Mr. Lenhardt said the basic service is provided to approximately 30,000 potential subscribers. Mr. Cuker said this was corrected. He said if you multiply that by the viewers, you come up with 60,000 to 80,000 viewers. Mr. Lenhardt said he does not think it would be too costly to include in the monthly bill periodically maybe 5,000 questions for the 30,000 base. He said he does not know what the proper statistical number would be. Mr. Smede said that is the problem. He said the company has stayed away from that because they do not get the response. Mr. Lenhardt asked if they have tried. Mr. Smede said they have tried, noting it can be done but it unfortunately is human nature, they do not return them. Mr. Cuker said they tried direct mail and the response was so-so. He said that is why the last survey was a telephone survey. Attorney Kaplowitz asked when the survey was done if they identified themselves. Mr. Cuker said yes.

Supervisor Fuller noted she did not think many people are taken with surveys over the phone either. She said she was probably called about programming a year or a year and a half ago and she said her response was that she was not interested. She said when everyone talks about what they want and do not want, in her own home in that family room, no 2 could agree on what they wanted for cable. She thanked Mr. Smede and Mr. Cuker for being in attendance.

Councilman Putney made an observation that he felt the presentation continued a pattern of lack of responsiveness to the residents of Bethlehem that he has observed any number of times in the past. He said questions asked were not answered. He said the lack of a way for people to respond to Cablevision is the most piercing evidence against them and this follows a pattern which he has observed in the past and personally experienced several times. He urged Mrs. Kehoe to note the sorts of concerns made at the meeting and when the Town gets ready for proposals for contract renewal, you consider making elements of the contract some of the items to correct the things seen tonight. Mr. Smede said he took exception to that. He said he thinks they answered all the questions and he thinks the very fact that they were in attendance, shows that they are accessible, they are available, they are here. He said Judi can confirm the fact that they are always here when they are asked to be. He said he takes very much exception to the fact that we are not a part of this community. He said they support the public access, they put much money in that, support the Toys for Tots, they do a tremendous amount of help with the soccer program by sponsoring all the trophies. He said they do a lot in this municipality and he takes exception to Mr. Putney's remarks. Councilman Putney said his remarks stand as presented.

Supervisor Fuller thanked everyone.

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Building  
Inspector  
approval for  
renewal camp  
permits

The next item was a recommendation from Building Inspector, John Flanigan, for approval of renewal of trailer camp permits for Shady Grove West, Breckenridge Village and Shady Grove East.

The motion was made by Mr. Lenhardt and seconded by Mr. Johnson to approval the renewal of trailer camp permits for Shady Grove West, Breckenridge Village and Shady Grove East as recommended by Building Inspector, John Flanigan, in the total amount of \$740. which is an annual fee. The motion was passed by the following vote:

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

Noes: None.

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The following item was a request from Richard LaChappelle, Chief of Police, for approval of transfer of funds totaling \$5,456.25 from Insurance Recovery Account to Police Department budget for partial offset of cost of vehicle replacement one totally damaged vehicle.

Chief of  
Police  
approval of  
transfer of  
funds vehicle  
replacement

The motion was made by Mr. Johnson and seconded by Mrs. Davis to approve the transfer of funds totaling \$5,456.25 from Insurance Recovery Account to Police Department budget for partial offset of cost of vehicle to replace one totally damaged vehicle as per the request of Chief of Police, Richard LaChappelle. The motion was passed by the following vote:

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

Noes: None.

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The next item was a recommendation from Bruce Secor, Commissioner of Public Works, for approval of 1998 Water Rates.

Commissioner  
of Public  
Works  
approval of  
1998 Water  
Rates

Supervisor Fuller said the water rates were approved in the 1998 Water District budget which was adopted in November. She said the residential water rate will remain unchanged at \$1.07 per gallon. She said the industrial water rate will be increased from \$1.28 to \$1.36.

The motion was made by Mrs. Davis and seconded by Mr. Lenhardt to approve the 1998 Water Rates at \$1.07 per gallon residential and \$1.36 per gallon industrial as recommended by Bruce Secor, Commissioner of Public Works. The motion was passed by the following vote:

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

Noes: None.

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The next item was a recommendation from Michael Cirillo, Engineering Services Administrator, for authorization of Supervisor to sign agreement for Dudley Subdivision pertaining to road extension of Neil Boulevard, Selkirk.

Engineering  
Services  
Supervisor  
to sign  
agreement  
road exten-  
sion Neil  
Boulevard

The motion was made by Mr. Johnson and seconded by Mrs. Davis to authorize the Supervisor to sign the Agreement for the Dudley Subdivision pertaining to a road extension of Neil Boulevard, Selkirk, as recommended by Engineering Services Administrator, Michael Cirillo. The motion was passed by the following vote:

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

Noes: None.

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The next item was a request from Gregg Sagendorph, Highway Superintendent, for approval to go to bid for Gasoline and Diesel Fuel, Heating Oil and Uniform Rental (3 years). Could advertise December 17, 1997 and open bids on December 30, 1997.

Highway  
Superinten-  
dent approva  
to go to bid  
Gasoline and  
Diesel fuel  
Heating Oil  
and Uniform  
rental

The following resolution was offered by Mr. Lenhardt and seconded by Mrs. Davis:

WHEREAS, the Town desires to advertise for bids for the purchase of Gasoline and Diesel Fuel, Heating Oil and Uniform Rental, pursuant to law,

NOW, THEREFORE, BE IT RESOLVED, that the Town Clerk advertise for such bids in THE SPOTLIGHT issue on the 17th day of December, 1997 and that bids be received up to 3:00, 3:10 and 3:30 p.m. respectively on the 30th day of December, 1997 at which time the bids will be publicly opened and read.

The resolution was adopted by the following vote:

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

Noes: None.

Receipt of  
1997 Highway  
Equipment  
Inventory

The next item was to acknowledge receipt of the 1997 Highway Equipment Inventory as submitted by Highway Superintendent, Gregg Sagendorph.

Request from  
Town Clerk  
transfer of  
funds for  
microfilming  
and Building  
Inspector for  
transfer of  
funds for  
microfilming

The next item was a request from Town Clerk, Kathleen A. Newkirk, for approval of transfer of funds for microfilming and the following item was a request from Building Inspector, John Flanigan, for approval of transfer of funds for microfilming.

Supervisor Fuller explained these 2 items were being pulled from the agenda due to further research and the project not being feasible. She explained the plans included with the permits prohibit the destruction of paper records following filming and therefore, financially this project would be too costly to complete and not accomplish the desired result.

The motion was made by Mr. Johnson and seconded by Mr. Lenhardt to remove the two items from the agenda, one from the Town Clerk and one from the Building Inspector regarding microfilming of Building Department applications. The motion was passed by the following vote:

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

Noes: None.

Public works  
approval  
transfer of  
funds for  
water depart-  
ment

The next item was a request from Bruce Secor, Commissioner of Public Works, for approval of transfer of funds for the Water Department.

Supervisor Fuller said to close out the 1997 budget year, it is necessary to request a transfer within the Water budget, it is a total of \$15,000 from Contractual to Personnel Services. She said the transfer is within the Water budget to balance the accounts for the year. She noted there is no increase in the overall budget for 1997.

The motion was made by Mr. Lenhardt and seconded by Mr. Johnson to approve the transfer of \$15,000 from Contractual to Personnel Services within the Water budget as requested by Commissioner of Public Works, Bruce Secor. The motion was passed by the following vote:

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

Noes: None.

Acknowledge  
receipt of  
letter  
regarding Lead  
Agency Coord-  
inator for  
Van Allen  
Apartments

The next item was to acknowledge receipt of a letter regarding Lead Agency Coordinator for the Van Allen Apartments, Route 9W, Glenmont. Supervisor Fuller noted this is routine from the Planning Department. She said basically it is acknowledging the receipt of the lead agency coordination letter. She asked for a motion indicating that the Town Board has no objection to the Planning Board's assumption of lead agency.

The motion was made by Mr. Lenhardt and seconded by Mr. Johnson to notify the Planning Board that the Town Board has no objection to the Planning Board being lead agent in the matter of the Van Allen Apartments, Route 9W, Glenmont. The motion was passed by the following vote:

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

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The following item was to consider adoption of a resolution from Comptroller Judith Kehoe for supplemental appropriation within the Water Fund. Supervisor Fuller said this is basically the receipt of the FEMA money in the amount of \$75,458. She said the water fund revenue for Federal and State aid is higher than budgeted because of this receipt, however, expenditures are also higher than originally budgeted due to the Town's cost to correct the damage. She said this is the supplemental appropriation.

Adoption  
of resolu-  
tion from  
Comptroller  
for supple-  
mental  
appropriatic  
within Water  
Fund

RESOLUTION TO APPROVE  
A SUPPLEMENTAL APPROPRIATION

RESOLVED, that pursuant to Town Law Section 112, the Town Board does hereby approve a supplemental appropriation in the amount of \$75,000 from unappropriated cash surplus within the Water Fund. The appropriation shall increase the Power & Supply line item, code F-8320.489. The purpose shall be to enable the budget to accommodate the repair costs associated with storm damage. Said damage was funded through the receipt of Federal Emergency Management Agency moneys, in the amount of \$75,458, which is the revenue offset to the \$75,000 supplemental appropriation.

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

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

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The next item was a request from Richard Vanderbilt, Chairman, Traffic Safety Committee, for consideration of stop signs at intersecting streets on Fisher Boulevard, Slingerlands; streets within Fisher Hollow development, Slingerlands; stop sign on Mosall Drive at Blessing Road, North Bethlehem and parking prohibited at all times on Evelyn Drive, Delmar. Could advertise December 31, 1997 and hold public hearing January 14, 1998 at 7:30 p.m.

Traffic  
Safety  
consideration  
stop sign  
intersection  
Fisher  
Boulevard  
Public Hearin  
January 14,  
1998

The motion was made by Mrs. Davis and seconded by Mr. Johnson to approve the setting of a public hearing on January 14, 1998 at 7:30 p.m. with advertisement on December 31, 1997 to consider a Local Law amending the Code of the Town of Bethlehem, Vehicle and Traffic, to permit stop signs at intersecting streets on Fisher Boulevard, Slingerlands; streets within Fisher Hollow subdivision, Slingerlands; stop sign on Mosall Drive at Blessing Road, North Bethlehem; and parking prohibited at all times on Evelyn Drive, Delmar. The motion was passed by the following vote:

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

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The next item was to approve the Town Board minutes of November 12, 1997 as submitted.

Approve  
Town Minutes  
November 12,  
1997

The motion was made by Mr. Lenhardt and seconded by Mr. Johnson to approve the Town Board minutes of November 12, 1997 as submitted. The motion was passed by the following vote:

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

Sherwood  
 Davies on  
 water issue

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 Supervisor Fuller asked if anyone wished to address the Board. Mr. Sherwood Davies, resident, wished to make a few comments and read a statement (see following minutes). Mr. Davies said about a month ago he asked Mr. Secor about some information about the water use by GE Plastics and Selkirk COGEN. He said he submitted a FOIL request for the information and Mr. Secor did provide it. He said he looked at it and it provides some interesting information which he feels the Board would be interested in.

Mr. Davies said the water use by GE Plastics and Selkirk COGEN amounts to about 50 percent of the total use of water in the Town. He said it represents about 1 billion gallons a year. He referred to the Board's previous action on the water rent rates and indicated the Town Board had previously taken action on the water property tax. He said in order to provide an overview of what the water charges are in this Town, you have to look at both. He said he mentions that the water rents paid, per 1,000 gallons of water by GE and COGEN, the water rents is about \$1.58 per 1,000 gallons, other users pay about \$1.20 per 1,000 gallons. He said this would normally say the residential users and other commercial users get a break, however, he feels this is not true. He said GE Plastics and Selkirk COGEN pay only 10 cents per 1,000 gallons through a water property tax, whereas, all other users pay \$1.09 or 10 times as much. He said he thinks the Board should look at the overall charges for water in this Town and determine if these charges are reasonable, equitable and just.

Mr. Davies said in looking at the information provided, the Clapper Road plant is now providing about all the water used by Selkirk COGEN in the last year. He further noted GE Plastics is apparently being served by the Vly Creek source and/or the Albany purchases. He said the Clapper Road plant is deficient or has a shortfall.

Mr. Davies read his statement.

Supervisor  
 Fuller  
 acknowledged  
 Councilman  
 Putney's last  
 meeting

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 Supervisor Fuller asked if anyone else wished to address the Board. There was no one. Supervisor Fuller thanked the students for attending.

Supervisor Fuller next acknowledged Councilman Putney's last meeting, since there is only 1 meeting scheduled in December barring any emergencies. She thanked Councilman Putney's for his 4 years of service to the Town Board, as well as, Chairman of the IDA and also serving as a friend to each and every one at the Board table. She thanked Mr. Putney for doing his very best job to represent the people of Bethlehem. Councilman Putney thanked Supervisor Fuller.

Adjourn to  
 executive  
 session.  
 No formal  
 action  
 taken.

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 Supervisor Fuller asked for a motion to adjourn to Executive Session following the close of the regular meeting to discuss negotiations.

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

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

*Submitted to Town Board December 10, 1997*

STATEMENT AT THE  
BETHLEHEM TOWN BOARD  
Meeting on Dec. 10, 1997  
Regarding Projected 1998 Water Deficits

Sherwood Davies

The Bethlehem Water District faces a water shortage in 1998. The deficit can range from 0.3 MGD to 1.1 MGD. The attached table reflects water that was produced from the Vly Creek sources, the Hudson River Well and Albany water purchases. The peak weekly production of 8.2 MGD occurred between 6/28 and 7/4/97. The Hudson River well providing 2.5 MGD, Vly Creek 4.5 MGD and Albany water purchases of 1.1 MGD.

The Hudson River well currently produces less than 2.0 MGD. The water Albany-Bethlehem water purchase agreement limits the amount of water Bethlehem can purchase on a weekly basis to an average of 0.6 MGD unless approved in writing by Albany. In 1997, Bethlehem significantly exceeded (1.1 MGD) the maximum allotment under the water agreement.

The legal and engineering evaluations of the Hudson River declining well yield will not resolve the water shortages that Bethlehem faces in 1998.

There are a number of alternative actions and options that can be taken to minimize the problem but most importantly the Board should recognize the situation.

The Town Board, acting in behalf of the interests of the Water District taxpayers, should seek competent engineering advice to evaluate the projected water deficit, determine the safe yield of the Hudson River well and provide advice to the Board on the renegotiation of the Albany water agreement to meet the water demand in 1998.

The public has been deceived on a number of issues relating to this new water system.

I urge the Board to make full public disclosure as to their actions or inactions on the need to evaluate projected 1998 water deficits.

## WATER PRODUCTION AND PURCHASES

1996-1997

TOWN OF BETHLEHEM

SOURCE	PEAK WATER PRODUCTION MGD			
	YEAR 9/1/96-9/1/97	6 MONTHS May-Oct. 1997	MONTH July 1997	WEEK 6/28-7/4/97
Vly Creek Sources	3.5	3.6	4.5	4.6
Clapper Road Well	2.0	2.1	2.4	2.5
Albany Purchase	0.2	0.38	0.48	1.1
TOTAL	5.7	6.1	7.4	8.2
1998 DEFICIT *			(0.3)	(1.1)

\* Based on Total of 7.1 MGD -- Vly Creek 4.5 MGD, Clapper Road 2.0 MGD, Albany Purchase 0.6 MGD

The motion was made by Mrs. Davis and seconded by Mr. Lenhardt to adjourn the regular Town Board meeting at 8:55 p.m. The motion was passed by the following vote:

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

Noes: None.

  
Town Clerk

EXECUTIVE SESSION

There was no formal action taken at the Executive Session.