

6-8-2017 PUBLIC HEARING ON CABLE FRANCHISE AGREEMENT

Present:

Councilman Cheryl L. Earl
Councilman Leonard R. Hochadel
Councilman Mandy Quinn-Stojek
Supervisor Beverly A. Gambino

Absent:

Councilmen Douglas Morrell

Also Present:

Highway Superintendent Donald Hopkins
Town Clerk Jennifer L Bray
Approx. 4 guests

Supervisor Gambino called the meeting to order at 6:15 PM, with the Pledge to the Flag led by Veteran Tony Korcz.

Supervisor Gambino explained that the Public Hearing was for the cable franchise agreement between Time Warner Cable Northeast LLC, also known as Charter Communications. The Supervisor stated that the Public Hearing had been advertised in both the Arcade Herald and the Springville Journal on May 25th and June 1st. Supervisor Gambino stated that the previous contract was signed in 2005 by Bill Hare. It was a 10 year contract. She stated that the contract had run out 2 years ago but due to the sale of Time Warner to Charter it had not been updated. However she did note that the Town had continued to receive the annual franchise payments. Supervisor Gambino stated that the Town Attorney has reviewed the contract to compare the old contract with the new contact. She then listed the following relevant terms under the old agreement.

1. Agreement was non-exclusive.
2. Lasted for ten years.
3. Revenue to the Town was 5% of gross less PSC assessments.
4. Payment for franchise payment was due by March 15th of each year.
5. Liability insurance coverage for the Town was \$1,000,000/\$3,000,000.
6. The agreement was assignable with consent of the Town.

Next Supervisor Gambino listed the relevant terms under the new agreement.

1. It is non-exclusive.
2. Lasts for fifteen years
3. Liability insurance coverage for the Town was \$1,000,000/\$2,000,000.
4. The cable company commits to continue the agreement for during the full fifteen years.
5. Revenue to the Town was 5% of gross.
6. Payment of the franchise fees are due within forty-five days of each calendar year. The time to recover unpaid franchise fees is limited to three years
7. Agreement is non-transferrable without the Town's consent which cannot ne unreasonably withheld.
8. The Town has the right to inspect records of the cable company upon prior notice.
9. Lastly, public access to television is protected.

The Supervisor then noted that the fees and the agreement only pertain to cable lines in Town that are run along any the streets, roadways, right of ways or sidewalks.

Anthony Korcz of Gales Court asked if there was anything in the agreement regarding upgrades of their systems. Councilmen Earl stated that the agreement isn't about the services offered from the cable company. Supervisor Gambino stated that the franchise fees and the agreement are for use of our right of ways.

Then next public comment came from Frank Kaz of Pratham Rd. He stated that he had been working with his neighbors to get Time Warner Cable to run lines down Pratham Rd for service for over a year. He stated that he had talked with Time Warner and they had estimated the cost to him to run cable lines would be approximately \$40,000. Time Warner also suggested that he talk to the Town Board and that they told him that the best time for an expansion would be at contract time. He asked if that was in this agreement included anything about expansion. Councilmen Earl stated that this contract was just for the transmission lines that run along the Town right of ways. She also noted that there is nothing in this agreement that would stop them from expanding. Supervisor Gambino agreed and suggested the Mr. Kaz may need to start the process over now that the sale of Time Warner to Spectrum is complete. Supervisor Gambino also suggested that he contact Senator Gallivan or Assemblymen DiPietro to see if they could offer him any assistance in getting an expansion.

Supervisor Gambino then asked three times if there were any other questions or comments. There being none she asked for a motion to close the Public Hearing and move on to the Regular Town Board meeting. Therefor on a motion by Earl, seconded by Hochadel, the public hearing on the proposed cable franchise agreement was closed at 6:31p.m. Carried, 4 ayes, 0 noes, 1 absent.

Respectfully Submitted,

Town Clerk