

MINUTES OF THE SMITHVILLE TOWN BOARD
Public Hearing for Time Warner Cable
August 18, 2014

OPENING Supervisor Fred Heisler Jr. 6:30PM

ROLL CALL/PLEDGE:

Fred Heisler	Alison Owens, Town Clerk
Tom Pollard	Jim Kozak, Enforcement Officer
John Cammarata	Mindy Eldred, Custodian
Karl Ludwig,	Jackie Centerwall, PB Chair
Bob Whitmore	about 10 Townspersons

PUBLIC HEARING: TIME WARNER CABLE CO. FRANCHISE AGREEMENT 6:35PM

Supervisor Fred Heisler declared the Public Hearing OPEN. The legal notice was not read.

Representative David Whalen introduced himself and gave some background on Time Warner's commitment in preparing to offer cable service to areas of the Town of Smithville. Currently they are doing some line upgrading and will offer cable tv, internet and phone service. The franchise is not too negotiable, the fees and channels are set. A franchise fee of up to 5% payable to the Town can be written into the agreement. Time Warner will also bring into compliance indemnity insurance. Line extension areas can be available—right now there needs to be 35 homes per mile to qualify for service, or with 20 homes per mile, Time Warner will do a feasibility study.

Public Questions:

Tom Pollard: Is there a map available of the perspective routes? How many customers did Haefle have?

Rep Whalen: The only map known is the one showing the area Haefle TV served. Currently there are 264 homes on the line, which is the route Haefle TV had, with 240 out of the 264 homes having service.

John Cammarata: Asked about King Rd-- is where Time Warner stops at the Smithville Town line from Greene available?

Louis Merlino: lives on Buckley Hollow and needs 20 houses per mile to qualify for line; he is on the border between Oxford and Greene.

Rep Whalen: Time Warner will look into it. We do need to take service to areas that don't have it even though NY is losing population

Elizabeth Vanderweyde: what is the protocol for a survey?

Rep Whalen: how do you address an area that does not qualify? This is done by formula, see what adjoining Towns are doing and if they are already subscribing to the cable.

John Cammarata: are you doing mailings to perspective customers?

Rep Whalen: There are reps going around to all perspective customers.

Doug Preston: Asked about cost of basic TV and requested RFD

George DeJager: why not include RFD, TBN? These are very popular channels with many people.

Karlene Rice: Are the basic news stations local?

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Rep. Whalen: Life Line service is \$11.00 for 10 channels; basic service is around \$70. Will send info to Town Clerk. There may have been a dispute problem with RFD and TBN, will look into offering these channels again. The news channels are local and offered at no extra charge. There is no contract, the service is month to month.

Tom Pollard: Are there Japanese channels?

Rep. Whalen: Not sure

Karlene Rice: what kind of extra charges? Charges for extra phones/tv's?

Rep Whalen: There is a franchise fee of up to 5%, on a \$100. Bill so \$5.00.; there is no problem with extra phones/tv's

Supervisor Heisler: What is the % of municipalities who charge a franchise fee?

Rep Whalen: probably about 30-35%, but not completely sure.

Karlene Rice: I just renewed with Frontier and will have to pay a cancellation fee to Frontier if I switch.

Rep Whalen: the termination fee may be absorbed. Your phone # will be ported over. Service is month to month not contractual.

Supervisor Heisler: can services be split?

Rep Whalen: yes, no problem

Bob Whitmore: Are there free services for municipal buildings?

Rep. Whalen: Yes, Time Warner offers free cable service to municipal buildings.

Doug Preston: when will the change take place and new service begin?

Rep. Whalen: by the end of September, early October at the latest.

George DeJager: who does the construction? Inspections? Will all wiring be changed?

Rep Whalen: The Cook family contractors and other subcontractors have been doing the construction. Inspections are done by Time Warner. Other changes will probably be done on a case to case basis.

Christine Pollard: [question/answer not recorded]

Doug Preston: what do you do about trees that are a potential threat to service. What can be done about that? Truck was in the middle of Co. Rd. 2 over the weekend.

Rep Whalen: Construction crew should have noted problems in a report, cases will be taken one by one.

Tom Pollard: how do you know about the amount a franchise fee would bring in?

Rep Whalen: This would show up under the gross revenue from Haefle to Time Warner.

Supervisor Heisler: do we need a 15 year contract, what about a 5?

Rep Whalen: It is not recommended to negotiate a 5 yr. contract as NYS regulations require 36 months advance notice to set up a new contract/franchise. Could do a 10 or perhaps an 8 yr contract?

There were no other comments. Supervisor Heisler declared the Public Hearing closed.

Supervisor Heisler suggested he call David Whalen and ask more questions such as the # of customers and a dollar amount earned for the franchise fee. Board members would still like to see map.

No action was taken on the Time Warner Cable contract at this time.

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PUBLIC QUESTIONS

Louis Merlino: what happened to the owner on Buckley Hollow with the septic problem? Supervisor Heisler answered the property owner was sent a denial and 60 days to obtain engineered drawings for a new septic system. New Enforcement Officer Jim Kozak will follow through with the letter/Chenango County/DEC to see what the next steps should be.

Mr. Merlino also asked about Buckley Hollow Rd. being repaired. Was it going to be fixed? It needs to be cut up and be re-stoned. What happened to the \$ that was allocated to do this, this year? It was replied to Mr. Merlino that this was still being worked out with the Highway Sup't.

CORRESPONDENCE
C1) none

6:55PM

NEW BUSINESS

7:00PM

NB1) Consider NYS Retirement Resolution to add Karl Ludwig to the Retirement System based on a 6 hr. work day.

RESOLUTION # 26 (2014) : ESTABLISH FOR THE NYS AND LOCAL RETIREMENT SYSTEM, A 6 HR. WORKDAY FOR KARL LUDWIG AND ESTABLISH HIM AS A MEMBER OF THE NYSLRS BASED ON HIS ROA KEPT AND FILED IN THE TOWN CLERK'S OFFICE.

On a motion by Councilman Cammarata, 2nd by Councilman Pollard, the following Resolution was ADOPTED.

AYES: Cammarata, Pollard, Whitmore, Heisler
NAYES: 0
ABSTAIN: Ludwig

RESOLVED to establish for the New York State and Local Retirement System a Standard Work Day of 6 hrs and Reporting Resolution (RS2417-A) to establish Town Board member Karl Ludwig as a member of the NYSLRS, he having filed an ROA with the Town Clerk. Such Resolution will be posted on the Town's website (www.smithvilleny.com) for 30 days, as well on as the wall outside the Town Clerk's office.

NB2) Appoint Jim Kozak to fill the vacancy of Enforcement Officer Neal Root

RESOLUTION # 27 (2014) : APPOINT JIM KOZAK AS THE TOWN ENFORCEMENT OFFICER TO FILL THE TERM OF NEAL ROOT UNTIL 12/31/14

On a motion by Councilman Ludwig, 2nd by Councilman Pollard, the following Resolution was ADOPTED.

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AYES: Ludwig, Cammarata, Pollard, Whitmore, Heisler
NAYES: 0

RESOLVED to appoint Jim Kozak as the Enforcement Officer for the Town of Smithville to fill the vacancy of Neal Root who recently passed away. Mr. Kozak will serve until Dec. 31, 2014.

OLD BUSINESS

7:10PM

OB1) Cowles Cemetery Project: An email was received by Town Clerk Owens asking about repair work to the Cowles Cemetery which is in poor condition. The email suggested the proposed repair project be considered as an Eagle Scout project. Supervisor Heisler had someone in mind who might be interested in pursuing this as an Eagle project. Town Clerk Owens said Historical Society President Christine Buck was concerned about cemeteries being used as such projects because of the knowledge needed to repair/restore cemetery stones. She would like to view the cemetery and give her opinion before any further decisions are made. Board members felt Chris might be able to co-ordinate the efforts between the authors of the email and the Town Board and asked that she make the contacts before any further decisions were made by the Board.

OB2) Tax Cap Override Local Law discussion: Supervisor Heisler said there had now been enough Budget meetings to know the direction the Town was going to have to move toward. Councilman Pollard said he didn't feel there was a way around a tax cap override. Supervisor Heisler indicated if there was a Resolution on the tax cap override it could take place at any time over the next couple of months, though he is still awaiting 2015 Budget figures from most of the Fire Districts. The NYS Retirement will only go up about \$1,000. Any further discussion was tabled until the rest of the budget #'s are obtained.

OB3) JCAP grant project update: The grant amount awarded was \$24,000. but the actual cost was \$26,030. At some point \$2,000. Will need to be transferred from the Building fund to the Justice contractual grant fund to recover the cost. Not all of the vendors have been paid. An outside security lighting estimate for next year's JCAP grant has come in at \$8,500.; a security system will be in the range of \$4,000 or \$5,000. and is confined to the main building, parking lot, or inside the main building. It was mentioned a new US flag should be included in the grant funding application. The deadline for the 2015 JCAP grant is Oct. 15th. A Resolution authorizing the Town Justice to apply for the 2015 JCAP grant is needed for the grant application.

RESOLUTION # 28 (2014) : AUTHORIZE THE TOWN JUSTICE TO APPLY FOR THE 2015 JCAP GRANT

On a motion by Councilman Pollard, 2nd by Councilman Ludwig, the following Resolution was ADOPTED.

AYES: Ludwig, Cammarata, Pollard, Whitmore, Heisler
NAYES: 0

RESOLVED to authorize the Town Justice to apply for the 2015 JCAP Grant, with projects to include a security system, a lighting system and a new US flag.

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OB4) Town entrance signs on State Hwy 41: The Historical Society has taken the lead on collecting contributions for the project which could cost up to \$1,000. State regulations are in effect for 2 of the 4 locations. Hwy Supt Schultes is in charge of finding out NYS regs on sign location. The Historical Society had made some recommendations and will be received by the Town Board pending a review of the Historical Societies minutes from their recent meeting.

It was also mentioned that a request on the website for ideas for a Town logo has not resulted in any responses. Town Clerk Owens has received a response from Town website maintenance specialist Woollybear who indicated he does design/redesign logos. Town Clerk Owens will ask Woollybear what he would charge to design or redesign a logo. It was mentioned that changing a logo can be very expensive.

OB5) Community Center building repair estimate: Councilman Pollard said no one wants to tackle the exterior painting of the building although the repair work of the exterior building has been given in an estimate by IOK Carpentry for \$1600. This contractor does not have Worker's Comp so it will need to be checked to see if he can do the work.

OB5) dog enumeration by mailing—no update

OB6) Town Barn building discussion: handed new specs today by Hwy Sup't Schultes: 4 work areas 60'x25', 16' doors radiant floor heat, 2 bays in barn walled off, upgrade present room and break room office, drain trenches electric door openers. The Supervisor would like to move on the project, or at least have an engineer start drawing up plans.

Tom Pollard: would like to get the Town of Afton prints to an engineer to see the basic construction.

John Cammarata: hire engineer to draw specs, explore NYSERDA grants for electric.

Further discussion was tabled until next month. An engineer should be invited to come to the Sept. meeting to offer different methods of construction and price points

OB7) Road Use Local Law discussion: McDonough's law is structured around the Hwy Supt and his way of handling the roads. A fee schedule is on file in McDonough.

Councilman Whitmore: if McDonough's Road Use Law is the one to follow, have the Highway Sup't and Planning Board get together to decide on wording. It was also recommended to add the Highway Committee to the meeting.

A permanent fee schedule for the Town of Smithville was discussed. This would involve Public Hearings on each Town of Smithville Local Law to remove the fee associated with the Local Law and place it under a Fee Schedule, changeable at any time by the Town Board.

REPORTS

7:55PM

R1.) Highway: no Hwy Supt. report. Payment for last truck purchased by co. in MA has not yet come in. A letter should be written to the Company asking for payment. Hwy Supt. should make sure a letter is written and sent certified mail.

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It was mentioned by Councilman Cammarata that at 1011 Stone Quarry Rd. (property owned by Steve Lucas) Hwy workers removed a sluice pipe and now the individual cannot get in and out of field—the pipe needs some attention.

R2.) Assessor: no report submitted

R3.) Enforcement Officer: County: report submitted

R4.) Mitigation: no report submitted. Heisler met with Mitigation specialist a couple of weeks ago. New flood plain regs shows many areas of Smithville in some sort of flood plain.

R5.) DCO: no report submitted

R6.) Attorney: report submitted

R7.) Smithville Day: no report submitted

R8.) Custodian: report submitted. The Custodian asked about a Cork Board for above table outside of the Assessor's office? Town Clerk Owens suggested a Literature board. The old literature board is too large and unwieldy to use. Board members decided a cork board might work better.

RESOLUTION # 29 (2014) : PURCHASE CORK BOARD FOR OUTSIDE ASSESSOR OFFICE

On a motion by Councilman Pollard, 2nd by Councilman Ludwig, the following Resolution was ADOPTED.

AYES: Ludwig, Cammarata, Pollard, Whitmore, Heisler

NAYES: 0

RESOLVED to authorize the purchase of a cork board for the wall above the table outside the Assessor's office not to exceed \$40.00.

R9.) Playground Committee: report submitted. \$75.00 donated to buy security camera but it is not known what happened to it. Would have to have been transferred out of the Bottle Fund. Has the bathroom work been started/completed? Can a sub-contractor be hired to finish it? It was decided to ask some local contractors to give quotes to finish the work. PB Chair asked what account the subdivision monies were deposited into and if this money could go toward helping to fund the cost of finishing the bathrooms.

R10) Town Clerk: report submitted

R11) Planning Board: report submitted. Site Plan Review was discussed.

R12) Supervisor's Report: report submitted.

A Letter of recognition for potential Eagle Scout Craig Lord was requested from the Town Board. Supervisor Heisler will write the letter.

Refrigerator: A request for a refrigerator donation was placed on the website but no one has come forward with a donation. Councilman Cammarata will price a new refrigerator, on sale at Lowe's, for delivery. Board members asked for a limit of \$800.

RESOLUTION # 30 (2014) : PURCHASE REFRIGERATOR FOR COMMUNITY CENTER WITH \$800. LIMIT

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On a motion by Councilman Pollard, 2nd by Councilman Ludwig, the following Resolution was ADOPTED.

AYES: Ludwig, Cammarata, Pollard, Whitmore, Heisler
NAYES: 0

Resolved to purchase a new 18 cu. Ft. refrigerator, costing up to \$800., with funds to be taken from Large Unexpected General Expenses (NBT 8500440024).

MINUTES APPROVAL for July 21st, July 30th 8:30PM
The minutes of the July 21st and July 30th meetings were reviewed. A motion to approve those minutes was made by Councilman Cammarata, 2nd by Councilman Pollard. All five Board members: Heisler, Cammarata, Pollard, Ludwig and Whitmore were in favor, motion carried.

WARRANTS 8:35PM
General Warrant # 8: Vouchers # 99- 117 in the amount of \$23,236.20 were reviewed for payment. A motion to pay these claims was made by Councilman Pollard, 2nd by Councilman Cammarata. All five Board members: Heisler, Cammarata, Pollard, Ludwig and Whitmore were in favor, motion carried.

Highway Warrant # 8: Vouchers # 73-81 in the amount of \$40,194.25 were reviewed for payment. A motion to pay these claims, changing # 79 to line item DA5142.4, was made by Councilman Pollard, 2nd by Councilman Ludwig. All five Board members: Heisler, Cammarata, Pollard, Ludwig and Whitmore were in favor, motion carried.

EXECUTIVE SESSION
A motion was made to go into Executive Session to discuss a personnel situation was made by Councilman Ludwig, 2nd by Councilman Cammarata. All five Board members: Heisler, Cammarata, Pollard, Ludwig and Whitmore were in favor, motion carried. Into Executive Session at 9:53pm.

A motion was made to come out of Executive Session to discuss was made by Councilman Cammarata, 2nd by Councilman Pollard. All five Board members: Heisler, Cammarata, Pollard, Ludwig and Whitmore were in favor, motion carried. Out of Executive Session at 10:11pm.

There was no business conducted and no other business to come before the Board. Supervisor Heisler declared the meeting adjourned @ 8:45pm. The next meeting will be Sept. 15, 2014.

Alison B. Owens

Smithville Town Clerk