

A Public Hearing was held December 18, 2012 at 6:00pm at Town Hall, 18 Russell Avenue, Ravena, New York

PRESENT: Stephen D. Flach, Supervisor
Dawn Rogers, Councilwoman
Thomas A. Boehm, Councilman
Peter E. Masti, Councilman

ABSENT: Thomas E. Dolan, Councilman

ALSO PRESENT: Diane L. Millious, Town Clerk

Supervisor Flach opened the Public Hearing and asked for a moment of silence for those affected by the tragedy in Newtown, CT and then led the Pledge of Allegiance.

OPENING COMMENT

Supervisor Flach stated that the record should reflect the presence of four Town Board members with Councilman Dolan being absent. He continued by saying that the purpose of the Public Hearing was for the Town Board to receive comments from the public relative to the Mid-Hudson Franchise Agreement and that Mr. Reynolds and Mr. Finger from Mid-Hudson Cable were present to speak and then asked Town Clerk Millious to read the Notice of Public Hearing.

Town Clerk Millious continued by reading the following notice that was posted in Town Hall and published in the Ravena News Herald.

PUBLIC NOTICE

Please take notice that the Town of Coeymans will hold a Public Hearing on Tuesday, December 18, 2012 at 6:00pm at the Town Hall located at 18 Russell Avenue, Ravena, NY 12143 regarding granting a Cable Television Franchise Agreement by and between Mid-Hudson Cablevision, Inc. and the Town of Coeymans (including Village of Ravena.

A copy of the Franchise Agreement is available for public inspection during normal business hours at the Clerk's office, located at 18 Russell Avenue, Ravena, New York 12143.

At such Public Hearing all persons will be given the opportunity to be heard, written or oral statements will be taken at that time. Time limitations may be imposed for each oral statement if necessary. Individuals wishing to file comments regarding the application may do so with the New York State Public Service Commission within 10 days of the date of publication, at Three Empire State Plaza, Albany, New York, 12223. Copies of comments should be sent to the Town of Coeymans, Village of Ravena and Mid-Hudson Cablevision, Attn: Mrs. Joanne Miller, PO Box 399, Catskill, New York, 12414

**By Order of the Town Board
of the Town of Coeymans
Diane L. Millious
Town Clerk**

DISCUSSION WITH MID-HUDSON CABLE REPRESENTATIVES

Mr. Reynolds filled the Town Board in on some history of Mid-Hudson Cable as well as the infrastructure changes due to technology, their goals going forward, the services they provide and their request for the Board to consider their application for renewal of the Franchise Agreement.

Discussion ensued amongst the Town Board, Mr. Reynolds and Mr. Finger.

PUBLIC COMMENT

Supervisor Flach invited the public to comment at this time.

Ms. Donna Pasquini stated that she has had cable since Mid-Hudson came into town and she has basic cable and her bill is \$69.11 per month.

Councilman Boehm inquired as to how many channels she has.

Ms. Pasquini stated that it is just the basic and she gets the local channels and does not get any of the premium channels.

Mr. Reynolds interjected that it is about 70 channels.

Ms. Pasquini stated that half of the channels you don't even use and they are not worth watching. She continued by saying that her question is that on the bill there is always a franchise fee that she pays and then asked if it is the franchise fee that Mid-Hudson pays the Town.

Councilman Boehm stated that it is and it is the 3% of the gross revenue.

Ms. Pasquini stated that the users are actually paying the franchise fee and Mid-Hudson Cable isn't.

Mr. Reynolds stated that it is a pass-through, a tax.

Ms. Pasquini stated that in addition to that there is a re-transmission fee and then asked what that is.

Mr. Reynolds stated that it is the local network affiliates, CBS, ABC, NBC, and it is what they charge for their signal and that is pass-through too.

Ms. Pasquini stated that there is a utility fee too and continued by saying that she would ask that the Board not act on this now because of the situation of not that many residents being able to make it to the Public Hearing because of the School and Village Board meetings and the holiday. She added that she understands that they have been without a contract with Mid-Hudson for a year and she does not think that it would hurt to give it some thought and check into it. She continued by saying that north Coeymans has Time Warner and they have been talking about expanding and State Telephone ran their fiber optic lines a few years ago and are looking to come in. She went on by saying that tying the hands of the residents from the options of being able to switch for 15 years is too long and there is too much modern technology coming out to be bound for 15 years. She added that they deserve a choice just like anyone else and when you are buying a car, you are not bound to a dealership and you can go to someone else, you can go to any supermarket you want and a 15 year contract in her opinion is a little bit too much. She added that she has heard that Mid-Hudson Cable owns property that they don't pay taxes on because of the Franchise Fees that they pay.

Collectively the Town Board stated that they don't believe so but will check on it.

Councilman Boehm inquired as to what property it would be.

Ms. Pasquini stated that she understood that it was property where they had things stored.

Mr. Reynolds interjected that they pay taxes on all of the facilities that they have in the right-of-ways.

Ms. Pasquini stated that someone was saying that they don't pay taxes because they give the Town the franchise fee and she was wondering why because the residents are paying the franchise fees within their bills.

Town Clerk Millious stated that she can explain how it goes and continued by saying that the cable company pays the Town the franchise fee and if it is over and above what the Town portion is on the tax bill, they reimburse that at the beginning of the year.

Councilman Boehm inquired as to what portion of the 3% the County gets.

Town Clerk Millious stated that the County gets what they charge and it is the Town that gets washed.

Ms. Pasquini interjected that her point is that the franchise fee is coming from the cable users who pay it in their bill and basic cable is \$69.00 a month.

Supervisor Flach stated that if Time Warner came to her house, which they can as well as State Telephone, that franchise fee is paid through her bill because she is using their service and if you are using Time Warner Cable, you will be paying the franchise fee to them. He added that you are going to end up paying a franchise fee to whomever you use and you are going to pay it to someone, whether it is State Telephone or Time Warner.

Councilman Boehm interjected that she can also get the package where you get 20 channels for \$20.00.

Ms. Pasquini stated that her daughter tried to go down to very basic cable and it is costing her \$30.00 a month, which are only the local channels.

Mr. Reynolds stated that there is a package that is less than that.

Ms. Pasquini stated that she didn't find that and she called and she even told them that she needed the cheapest package that they have and added that all of the extra fees like the franchise fee, brought it up to \$30.00.

Supervisor Flach reiterated that it is important for people to know that you are going to be paying a franchise fee regardless of who you use.

Ms. Pasquini stated that it is important that people know that they are not going to bind a 15 year contract.

Councilwoman Rogers interjected that it is not binding.

Supervisor Flach stated that it is not binding and if Time Warner came to the Board and said they wanted to come through the Village of Ravena and out through the Hollow, they would be welcomed, Mid-Hudson has nothing to say, according to the contract about them coming in and doing that and the user could choose who they want. He added that unfortunately for the users they don't have that option right now and it does not bind them. He added that it has to be worth their while to make an investment in this town and they need some assurance that the Town is going to keep them around for a while, and whether Time Warner comes in or not, they still have some assurance that there will be some users that are going to use their services.

Mr. Reynolds stated that this is true and there is no down-side to it even though they say they are locking in, but if they were saying no one else could come in for 15 years that would be a problem, but they are not and the contract does not say that.

Ms. Pasquini stated that it is a misconception out there that once they sign the contract they are bound to Mid-Hudson for 15 years and no one else could come in.

Supervisor Flach stated that this was their biggest worry that they expressed to Mid-Hudson.

Mr. Finger stated that if Time Warner did come in, they would be asking for 15 years as well.

Ms. Pasquini stated that on Channel 11, the public access channel, during the holidays all they get is Catskill schools and there is nothing from Ravena schools.

Mr. Reynolds stated that they do whatever is provided to them and they do several different municipalities with programming and they have had conversations with the school and any programming that they get, they are happy to air.

Ms. Pasquini reiterated that during this time of the year when the chorus' are doing their Christmas Concerts it is always Catskill and she was wondering where Ravena was with their chorus.

Councilman Masti interjected that they would have to send it to them to air.

Ms. Pasquini stated that any political shows are Greene County and she was concerned with locking into a 15 year contract when the Town is low on the totem pole.

Mr. Reynolds stated that he believes that the Town Meetings are recorded and can be sent down for them to re-play.

Town Clerk Millious stated that when it can't be aired live, like the current meeting, she sends it to Mid-Hudson Cable, which won't be live but they will air it.

Supervisor Flach stated that they share with the Village and this evening was their night.

Ms. Pasquini stated that they share with the school as well.

Mr. Reynolds stated that any programming that they get, they put on air.

Councilman Masti asked how the public knows when something is going to be aired.

Mr. Reynolds stated that there is a schedule published for Channel 11.

Councilman Boehm stated that the School Board's meetings are taped but the Town and Village are live and then asked how it is determined.

Mr. Finger stated that it goes back many years ago when they had microwave and there was a switch at the microwave site where you could dial a phone number and it would be turned on locally and they had them scattered. He added that when they moved to fiber-optic they moved the switching facility to Catskill because it is where all the switching happens and continued by saying that it is still in place and was established by the Town Board in the 70's.

Councilman Boehm inquired as to if they can do the School Board Meetings live.

Mr. Finger stated that they don't have a switch there like they do in Town Hall and St. Patrick's.

Ms. Pasquini stated that these were her concerns and the fact that she wanted to suggest that they should hold off because of the many things that are going on and people not being to attend the Public Hearing.

Supervisor Flach thanked Ms. Pasquini and then asked if anyone else wished to comment.

Councilman Boehm suggested that they keep the Public Hearing open for comments until the first meeting in January.

Councilman Masti stated that this would give them time for talking with the Village Mayor.

Mr. Reynolds stated that he would talk with him as well.

Supervisor Flach thanked Mr. Reynolds and asked if there were any other comments, hearing none he asked for a motion to adjourn the Public Hearing.

ADJOURNMENT

MOTION

On motion of Councilman Boehm, seconded by Councilman Masti, the Public Hearing was adjourned.

VOTE – AYES 4 – NAYS 0 – ABSENT 1 (Dolan) – SO MOVED

Respectfully Submitted,

APPROVED –

Diane L. Millious, Town Clerk