

JULY 8, 2010 – PUBLIC HEARING

Minutes of a public hearing of the Town Board of the Town of Somers held on Thursday evening July 8, 2010, at 8:21 PM at the Town House, 335 Route 202, Somers, New York.

ROLL CALL:

PRESENT:	Supervisor	Mary Beth Murphy
	Councilman	Harold R. Bolton
	Councilman	Richard G. Clinchy
	Councilman	Frederick J. Morrissey
	Councilman	Thomas A. Garrity, Jr.

ABSENT:

Also present were Kathleen R. Pacella, Town Clerk, Patricia Kalba, Deputy Town Clerk and Roland A. Baroni, Jr., Town Attorney.

The Supervisor said that this was a continuation of a public hearing with regard to the Comcast Franchise Agreement renewal. She explained that they last met in April and at that time there were a number of concerns raised by the residents. She said that the concerns primarily dealt with service and in many instances phone service, which fell outside of the cable agreement but never the less were raised. The Supervisor said that she believed that a meeting was held between Comcast and the residents of Heritage Hills at their Activities Center. Many issues were discussed and she hoped that many of the issues were addressed.

The Supervisor declared the hearing opened and asked for comments from the public.

Mr. Dominick Rubino, President of Condo 4, said that he was present a couple of meetings ago and stressed level of service they were getting from Comcast at that time was inadequate. He said that he was present that evening to point out to everyone that the service had improved greatly. He said that the meetings that they were having at Heritage Hills for them were working and when they had an issue it was addressed. Mr. Rubino said that he had done surveys and spoke to residents and the consensus was that it was better, it was not 100%; there were still telephone issues and intermittent issues with internet. He said that he felt that they were moving in the right direction, it needed to continue and they can work it out.

Councilman Clinchy asked if they could assume from Comcast that this was something that was going to continue.

Ms. Sharon Codeanne, Government and Community Relations Manager, said that Councilman Clinchy was absolutely correct. She introduced Steve Cavanaugh, Technical Operations Supervisor, who was present with her that evening. She said that on July 20th from 9 AM – 5PM there was going to be a Comcast table in the Activities Center, which will include a technician and customer service representative to address any questions or issues that may come up.

Councilman Clinchy asked if they were going to have those tables on a regular basis at Heritage Hills. Ms. Codeanne said that they were planning on doing this quarterly and see how it was received by the residents. Councilman Clinchy said that he thought that it was a good thing and it should be done regularly. Councilman Bolton said that the last time Comcast did this there were hundreds of residents and it was a good event.

Councilman Morrissey said that this was a far cry from some of the earlier meetings the Board had on the franchise agreement and he wanted to commend Comcast on being responsive.

Councilman Clinchy asked if they were going to be going all digital in the future. Ms. Codeanne said at some point they will be and it was something that all cable operators will be doing. Councilman Clinchy asked when that was done would a person in Heritage Hills that was on a basic level be required to have a box of some type or will they be able to receive cable on their digital televisions without a box. Mr. Cavanaugh

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explained that this area was all digital with the exception of the first 23 channels therefore if someone did not have a cable box of some type they would only get the 23 channels. He explained that there were technologies that would allow customers not to have a cable box and explained what they were. Councilman Clinchy asked if there was an additional cost for persons who wanted basic cable to have a box. Ms. Codeanne explained that depended on the amount of televisions that were in the residences. Discussion ensued with regard to the additional equipment and the charge to the residents.

The Supervisor asked the Town Attorney if he had a chance to review the e-mail that she had sent him. The Town Attorney said that he did and he compared the 2 definitions, the one they used for Cablevision and the one for Comcast and they were very similar. He said that the only question was to the one thing that was not specifically mentioned was an inclusion or exclusion of the DVR concept. He said that the auditor that the Town was using to determine that the Town had received the correct franchise fees believed that the DVR charges should be included in the definition of gross revenue. The Town Attorney said that they needed clarification with regard to that.

The Supervisor asked Ms. Codeanne to look into that for the Board and they would continue this at the August 5th meeting.

A Resident, said that they felt it was important that Comcast spell out in writing what they considered their obligation was to people in Heritage Hills. They said that the East Hill was worked on and then the West Hill was treated differently. They said that the residents of Heritage Hill said that they did not know what Comcast was committing themselves to. The Resident said that they would like to see it in writing; it was the indecisiveness of the whole thing that had gotten people upset.

The Supervisor said that she believed the issue that the Resident was referring to had to do with the wiring. She explained that the East Hill was rewired at no cost and there was a question if the West Hill was going to be done. She continued that they received an answer that it was if they entered into a Bulk Agreement. The Supervisor said that she believed that they worked all of that but the question was what the West Hill can expect with regard to wiring.

Ms. Codeanne said that was addressed at another meeting. She explained that they met with representatives of Heritage Hills and made a proposal for the Bulk Agreement and as a show of good faith they decided to rewire the units on the East Hill section which were poorly wired at their expense. She said that they told Heritage Hills that they would rewire the West Hill at their expense as well if they were to sign the Bulk Agreement. Ms. Codeanne said that would protect their investment and not allow a competitor to come in and take their equipment.

Dr. Henry Olsen, 652 A Heritage Hills, said that his concern was with the outside wiring on the West Hill. He said at previous meetings he conveyed to the Board that he had serious problems with his internet. He asked if there was a procedure for dealing with the outside lines.

Mr. Cavanaugh explained that the wiring outside was part of the plant and they had replaced a number of spans that they deemed were bad; there were a few more spans that needed to be addressed.

There being no one else to be heard on motion of Supervisor Murphy, seconded by Councilman Clinchy, the public hearing was declared adjourned at 8:45 PM to the August 5, 2010 meeting.