

MARCH 11, 2010 – PUBLIC HEARING

Minutes of a public hearing of the Town Board of the Town of Somers held on Thursday evening March 11, 2010 at 7:41 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

ABSENT:        Councilman       Thomas A. Garrity, Jr.

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.

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

Mr. Dominick Rubino, President of Condo 24, said that his main reason for being there was with regard to wiring concerns on the West Hill. He explained that ComCast made the decision to rewire the East Hill but not the West Hill and the West Hill was having the same kind of problems and they were going to continue. He said that ComCast stated in an e-mail that they would rewire all of Heritage Hills if they agreed to sign a Bulk Agreement but no one was clear as to what that was. Mr. Rubino relayed to the Board the wiring issues that his Condo was having and how they were told different things by the different servicemen.

Mr. Bruce Prince, President of Condo 25, said that the problem they were having was with the inconsistency and arbitrariness of all of the service. He said that it seemed as if every service person that came out was running their own corporation. He relayed to the Board 3 examples of their experiences with ComCast service personnel. Mr. Princeton said that all they were asking for was some consistency, elimination of the arbitrariness and a contact person to help with problems.

Mr. Ray Strobel, President of Condo 12, said that he was having problems with his telephone service and that his problems with ComCast started August of 2009. He explained how they got the “ComCast run around” and all of the people they spoke to at ComCast to no avail. He said that they took their problem to the Westchester Consumer Protection and even then had gotten nowhere with ComCast. The Westchester Consumer Protection representative sent a letter on behalf of Mr. Stroggle to the Public Service Commission. Mr. Stroggle said that the Public Service Commission sent him a letter stating that they were going to investigate his complaint and shortly thereafter ComCast contacted him. He explained that ComCast did come out and fixed his telephone, it worked for awhile and now it was just about unusable. He explained that a resident of his Condo offered to use their contact at ComCast and he read the e-mails that had gone back and forth between Sharon Codeanne of ComCast and himself.

Mr. Jerry Tanzer, 719 Heritage Hills, distributed to the Town Board a copy of the February Consumer Report and pointed out that ComCast was low on all of the rating lists for Internet, Telephone and Cable services. He said that ComCast finally was able to provide the Heritage residents with Channel 12 News although it is broadcast on channel 112, which was not available as a basic channel and Heritage residents had to pay for it.

Mr. Jim La Rosa, said that his concerns with ComCast was with regard to their Customer Service. He said that he had a lot of telephone issues and there was no manager that anyone can speak to. He explained the issues that he was having with ComCast and trying to talk to a Manager.

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Mr. Marty Loeb, 610 E Heritage Hills, said that he has had trouble with his telephone for as long as he lived in Heritage, 7 years. He explained that he went to the Supervisor's office and her Secretary contacted ComCast for him and Kevin Lewis of ComCast contacted him and told him someone would be out to fix the problem. He then received a call that there was no point for someone to come out because it was the line outside of the house. He suggested that ComCast just bundle the Internet and Cable Services and allow the customers to use whatever Telephone provider they choose.

Secretary to Condo 12 Heritage Hills, explained that she had an internet problem where she was out of service for 3 months. She explained that she asked to speak to a Supervisor and was told a Supervisor would get back to her and they never did. She continued that 12 different Servicemen came to her home to try to fix the issue and they were all contractors. The Secretary said that the last Serviceman that came was an employee of ComCast, they found the issue and the connection was fixed in 10 minutes. She said that she worked from home and this was not acceptable.

Mr. John Costello, Condo 12, explained that when ComCast went digital he was unable to program his VCR to record, he had 3 Technicians into his home with 3 different answers as to why it was not working. He said that when he learned that one of his neighbors could record on their VCR he called ComCast and scheduled a service call, the evening before they were to come he received a telephone call from ComCast asking what the problem was and was instructed to go onto the internet for instructions on how to fix the problem himself. He told the person he was paying for the ComCast technician to come out and he wanted them to come out. Mr. Costello continued that the Serviceperson never showed up and when he called to find out why they were not there he was told that his service call was cancelled. He explained the issues that they have with the cable and telephone services.

Mr. Jim La Rosa, suggested that Rodger Falic of ComCast should come and talk to the Heritage Hills residents because he stated that he talks to the President of ComCast and he will be able to take their problems back to them.

Dr. Henry Olsen, 652 A Heritage Hills, said that he had a problem with his DSL service and that was an issue for him because he taught on-line. He explained to the Board the issues that he had with different Technicians.

Ms. Helen Fults, Heritage Hills, stated that ComCast service was unacceptable and she would like the opportunity to have the choice of a different company. She submitted to the Board a copy of the issues that she had been having since January 29<sup>th</sup> with her cable service.

Mr. Harry Bolton, President Condo 2, explained that he was speaking as a private citizen, he was recusing himself from voting on the Franchise Agreement because he worked for Verizon. He explained the problems they were having at his unit and they also worked from home and have had a tremendous amount of trouble with the internet connection.

Mr. Strobel, said that someone mention that Richard Guy was a Vice President of ComCast. He said that he was not a Vice President; he was a Contractor of ComCast that was hired to do excavating on the West Hill. He relayed another problem he had with Richard Guy.

Mr. Prince said that there were a lot of new ComCast ads on the television lately. He suggested that ComCast put 10% of their Advertising Budget into their Customer Service Budget.

Dr. Olsen said a Technician told him that the only way to solve the problem was to change the external line with upgraded amounts of energy in the lines.

Resident of Condo 26 said that he was fortunate that the only ComCast service that he had was cable. He relayed a situation he had with his remote and while he was on the phone with ComCast he was offered a lower rate for service but that was when Verizon was in the area, a little competition might be helpful with the service problems.

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Mr. Rubino thanked everyone for coming out for the hearing and said that when you listen to all of the comments that were made everyone was having the same kinds of problems.

The Supervisor said that she would like to invite the ComCast representatives to the podium to address some of the concerns that were raised.

Mr. Josh Koenig, Attorney representing ComCast, said that there were a lot of issues that were raised and they were not prepared to address all of them. He said that with him was Sharon Codeanne, Manager, Government and Community Relations, ComCast, she was willing to discuss ComCast's commitment to have the issues solved and Patrick Perrefort, Senior Technical Manager, ComCast, he was the go to person with global technical service problems. He said that he wanted to address the comment that ComCast wanted to have a monopoly or an exclusive service contract in Heritage Hills; that was not true nor would that be legal.

The Supervisor asked if another cable company could use the existing lines to provide service. Mr. Koenig said that there were practical and legal issues with sharing lines and at this time there was no effective way to share cable lines.

Councilman Clinchy asked Mr. Koenig to explain what a bulk agreement was. Mr. Koenig explained how it worked and what the benefit of the agreement was to the Board.

The Supervisor asked what explanations were for some of the service issues that were raised such as a 3 month outage of internet service. Mr. Koenig said that they did not mean to be insensitive to the issues and it needed to be addressed.

Mr. Koenig said with regard to the wiring a report was made of the wiring on both the East Hill and the West Hill and the report showed that the East Hill was far worse than the West Hill and needed to be replaced. He said that as a courtesy they included the internal wiring as well. The Supervisor asked if they accessed people's Condos to make the analysis. Mr. Perrefort said that it was done by knowledge of Technician reports and service calls.

Councilman Morrissey asked if they used all ComCast Technicians or private Contractors. Mr. Perrefort said that they used both Contractors and In-House Technicians. Councilman Morrissey asked if there were records kept. Mr. Perrefort said that any time a Technician goes to the house there should be a record. Councilman Morrissey said that was not what the Board heard from the Residents. Mr. Perrefort said that he was going to look at the addresses to find out if there was a record for the call. Discussion ensued with regard to Technicians.

The Supervisor asked if they were willing to commit in the Franchise Agreement that service calls will be done by In-House ComCast Technicians. Mr. Koenig said that he could not answer that on behalf of the Company. He said that they did discuss with the Supervisor and Town Attorney some of the issues that the Town wanted specifically addressed.

Mr. Rubino asked if it was obvious to the representatives of ComCast that the wiring issues on the West Hill were not sporadic. He said that they needed to find a way to support the West Hill.

A Resident of Heritage Hills, stated that what ComCast needed was an office at Heritage Hills or close to it to take complaints and help the customers. Mr. Perrefort said that he can always be reached to assist customers. He said that they did also set up in Heritage Hills Activity Center for 2 days a few months ago. He said that there were Technicians and Call Center Employees and that will continue 4 times a year.

The Town Attorney suggested the Board adjourn the hearing and have ComCast get together with the residents of Heritage Hills to work out some of the issues.

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The Supervisor asked what ComCast's reaction to the Consumer Report was. Ms. Codeanne said that she had not seen it.

Mr. Rubino thanked the Board for their patience and for listening to all of their complaints.

There being no one else to be heard on motion of Supervisor Murphy, seconded by Councilman Clinchy, the public hearing was adjourned at 9:41 PM to the April 15, 2010.

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Town Clerk

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Minutes of a public hearing of the Town Board of the Town of Somers held on Thursday evening March 11, 2010 at 9:55 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

ABSENT:        Councilman       Thomas A. Garrity, Jr.

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 public hearing with regard to proposed placement of stop signs at the Southwest intersection of Granite Brook Drive and Richard Somers Road.

The Town Clerk presented affidavit of public notice of the public hearing that appeared in the North County News on February 24, 2010 and posted on the Town Clerk's bulletin board the same day.

The Supervisor said that they received comments from the Highway Superintendent that the stop sign be installed and Planning and Engineering had no objections to the placement of the stop signs.

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

There being no one to be heard on motion of Supervisor Murphy, seconded by Councilman Clinchy, the hearing was declared closed at 9:56 PM.

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Town Clerk