

MAY 13, 2010 – PUBLIC HEARING

Minutes of a public hearing of the Town Board of the Town of Somers held on Thursday evening May 13, 2010, at 7:50 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 public hearing with regard to the renewal of the Cablevision Franchise Agreement.

The Town Clerk presented affidavit of public notice of the public hearing that appeared in the North County News on April 28, 2010 and posted on the Town Clerk's bulletin board the same day.

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

Mr. Aniruddha Jambotkar, Orchard Court, asked if there had been any considerations given to furnishing the residents with an alternative for television service.

The Supervisor said that there were and she had been trying very hard to get Verizon into the Town. She explained that they were negotiating with them for a period of time and they were the ones that cut off negotiations with the Town. She continued that it was because once they entered into a Franchise Agreement with a municipality they only had 5 years to build out the entire municipality. The Supervisor said that the Town was advised about 6 months ago that Verizon was not going to be entering into any new Franchise Agreements at this time. The Supervisor said that she had been communicating with them and she followed-up with them every month or two, so they know that the Town of Somers was still interested in having Verizon.

Mr. Jambotkar said that was very disappointing and the Verizon service personnel told him that it was the Town that was not interested.

Councilman Garrity said that he was told the same thing by a Verizon representative and it was untrue.

Councilman Bolton said that he worked for Verizon and he was not allowed to be involved in voting on these issues and was recusing himself from voting. He said that for the last 3 years the Supervisor had been trying to get Verizon into the Town of Somers.

Mr. Jambotkar said that he was losing some of his services from Cablevision and channels that they used to get. He said that he did not have the public access channels with the Basic Package. He suggested that the Board request that they be included with all packages. Mr. Jambotkar said that 17 channels had been taken away since December 2008.

Councilman Clinchy said that was because those were now digital channels.

Councilman Bolton explained that all cable companies had to go digital this year.

Councilman Garrity said that he agreed with Mr. Jambotkar but he could now watch the Town Board meetings online.

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The Supervisor asked Mr. Hoch to address some of Mr. Jambotkar's comments.

Mr. Robert Hoch, Director of Government Affairs for Cablevision Systems of Westchester, said as discussed there had been a transition in technology towards digital. At this time Cablevision was the only provider that had any analog channels left. He continued that in the basic tier there were about 21 channels in analog and there were analog and digital in the family packages, by next year they were going to be an all digital system. He said that they had not been given a date for that yet but the conversion has taken place in other areas already. Mr. Hoch explained that if the customer owned an analog or earlier version on the digital television they would have to have a converter box. He continued that over the last few years the offer in analog channels had gotten smaller and when those changes were made analog only customers with no boxes in their homes were offered a cable box. He said about 2 years ago there was a 1 year free cable box. Mr. Hoch continued when the access channels were digitized there was a free for life cable box enabling the basic channels, that offer was opened for about 5 months and as long as the customer stays at that level of service the box was free. He said that he was hopeful when the system went all digital there would be some type of offer.

Councilman Bolton asked when the system went all digital if there was going to be residents that did not have converter boxes and the Town was going to be in the same position they were in with Heritage Hills and Comcast. Mr. Hoch said that it was his sense that there would some offer on converter boxes based on what was happening in other locations. Councilman Bolton asked if it was going to be a hybrid system as Comcast was doing in Heritage Hills. Mr. Hoch said that it was going to be an all digital system. Councilman Bolton said therefore anyone without a converter box was not going to get any television. Mr. Hoch said that was likely. Councilman Bolton asked when this transfer was going to take place. Mr. Hoch said that he did not have an exact date for the conversion but it will be sometime next year. He said that he was hoping that there would be an equipment offering to alleviate that issue but he cannot commit to that at this time.

Councilman Clinchy asked if someone bought a digital television they would get digital channels, but in a year they were going to be required to have a cable box. Mr. Hoch said that was a possibility. Councilman Clinchy asked if the current cost per box was about \$7.00 a month. Mr. Hoch said that the current price was \$6.75 per month with the remote control. He explained that is the way it was done in New York City was that all of the channels were encrypted and that was a benefit to both Cablevision and the customer. He said that there was an ability to solve certain issues without having to have a service call.

Councilman Morrissey said that when a basic service was offered it should come with the needed equipment. Mr. Hoch said once it knew what the offer was going to be it would share the details with the Board. Councilman Morrissey said that he totally understood the transfer from analog to digital but as the technology increased the basic cable subscriber should not have to incur additional expenses. Mr. Hoch explained that in the regulatory scheme there was a difference in the level of service and equipment and they were independent of each other.

Councilman Clinchy asked if the customer service personnel were all Cablevision employees. Mr. Hoch said that this was the first time he was getting that question and he cannot say that every single customer service personnel at the call center was employed by Cablevision. He said that the people he dealt with were so he would venture a guess that all or most were. Councilman Clinchy asked if the customer service representatives were required to try and sell higher levels of service when someone called. Mr. Hoch said that Cablevision personnel abide by rules that were set by the Public Service Commission and the FCC and that type of selling up was highly discouraged. Councilman Clinchy relayed an experience that he had with a Cablevision customer service representative where he felt he was being harassed and would not want anyone in Somers to go through that. Mr. Hoch asked for Councilman Clinchy's permission to look into what happened. Councilman Clinchy said that he would like that.

The Town Attorney asked if anyone worked on commission. Mr. Hoch said that he did not know about that.

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Councilman Morrissey said with the other cable provider in Town there were issues with the technicians that were contracted out, did Cablevision use all Cablevision employees. Mr. Hoch said that there was a combination but they all had to abide by the requirements that Cablevision had.

Mr. Hoch read the Franchise Agreement to the Board and explained his discussions with the Town Attorney about the “level playing field” language when competition was involved.

Councilman Garrity asked when Mr. Hoch was aware of the changes that were coming for next year would he be back to explain them to the residents of Somers. Mr. Hoch said that he would be.

The Supervisor suggested that the public hearing be held over to the next regular meeting so that some of the question could be answered.

Thereupon motion of Supervisor Murphy, seconded by Councilman Clinchy, the public hearing was declared adjourned at 8:30 PM to the June 10, 2010 regular meeting.

Councilman Bolton recused himself from voting.

Town Clerk

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Minutes of a public hearing of the Town Board of the Town of Somers held on Thursday evening May 13, 2010, at 8:31 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 public hearing with regard to proposed stop signs at the northwest and southeast corner of Hallocks Run and Theal Court and the northeast corner of Theal Court at Hallocks Run also at the northeast and southwest corner of Hallocks Run and Revere Court and the southeast corner of Revere Court at Hallocks Run.

The Town Clerk presented affidavit of public notice of the public hearing that appeared in the North County News on April 28, 2010 and posted on the Town Clerk's bulletin board the same day.

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 8:32 PM.

Town Clerk