

**PUBLIC HEARING FOR CABLE FRANCHISE 2010 CONTRACT
TOWN OF BRIGHTON - FRANKLIN COUNTY, NY**

April 8, 2010

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A Public Hearing for the Cable Franchise 2010 Contract was held on Thursday, April 8, 2010 at 6:30 p.m. at the Brighton Town Hall, 12 County Road 31 (a.k.a. Jones Pond Road) in Paul Smiths, NY, with the following:

CALL TO ORDER:

The Public Hearing was Called to Order by Supervisor John Quenell at 6:40 p.m.

ROLL CALL OF TOWN OFFICERS

PRESENT: Supervisor John Quenell, Council Members: Steve Tucker and Lydia Wright

ABSENT: Council Members Jeffrey Leavitt and Peter Shrope

OTHERS PRESENT: Elaine Sater - Town Clerk

RESIDENTS: Three residents attended

NOTICE OF PUBLIC HEARING: Notice of this public hearing was posted Thursday, March 25, 2010, on the Town Clerk's Sign Board and at three post offices and businesses in the Town. Notice was published twice in the Adirondack Daily Enterprise on Thursday, March 25, and April 1, 2010.

Supervisor John Quenell stated that this franchise agreement is new because there has not yet been a completed agreement with Time Warner. They have been operating under Temporary Operating Certificates since taking over from Adelphia Cable. After approval by the Town Board, the Public Service Commission has the final approval for the franchise agreement. Time Warner is asking for the authority to use the Town's roads and right-of-ways for maintaining and construction of its cable system. They are asking for a 15-year agreement. They are asking the agreement be "non-exclusive", if the Town wants to enter into an agreement with another cable company they can. Time Warner will provide a system capable of providing a minimum of 78 channels; rates will be subject to regulation in accordance with federal law. The system will be in compliance with FCC standards. They will make available public educational and governmental access. Customer Service will be in compliance with the standards set by the FCC and the New York State PSC. They will provide a franchise fee to the Town of 5% of gross revenues. John Quenell said he is personally against a franchise fee as it is just passed on to the subscribers. It is a hidden tax on a certain section of the residents and should not be used to subsidize the Town. The Town has little or no expense for this service.

There was a legal review by the Attorney for the Town Scott Goldie per his letter to the Town Supervisor on March 8, 2010. His summary is: "Generally, I find that this agreement does not pose any particular risk to the town and seems generally fair considering its purpose and intent".

Supervisor John Quenell wondered about the density standards used to determine if they should extend service. It is currently 35 people per mile. Adelphia offered 15 per mile and sometimes would go to 10 per mile. A resident asked him about the speed for internet connection. This agreement does not cover internet or telephone as offered by Time Warner, only cable. The speed depends on how much the individual wants to pay and can be found on a website.

The floor was opened to the public for comments.

"A" Resident – McColloms: Said that his neighbors would like to have cable access in McColloms. They were unable to attend the meeting.

Steve Tucker: Said the trunk line goes through McColloms from Potsdam.

Supervisor John Quenell said Samson's has cable access. He said the Town allowed the company access to that part of the Town and should have asked for service at that time. He said a review of the situation in McColloms

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should be part of the agreement discussion with Time Warner.

Steve Tucker said the company installing the lines parked their trucks on Samson's property while working.

There were no further comments from the floor.

Motion to Adjourn the Public Hearing at 6:50 p.m. made by Supervisor John Quenell, Second by Lydia Wright, Aye 3 (Quenell, Tucker, Wright), Nay 0, Absent 2 (Leavitt, Shrope),

Respectfully Submitted,

Elaine Sater
Brighton Town Clerk