

Borough Council

Minutes – September 26, 2018

Call to Order – Mr. Daly called the Cable Franchise Agreement Public Hearing to order at 5:32pm. Attorney Foster explained that the agreement requires the cable company to pay five (5%) percent of company's gross revenues generated locally which is the maximum amount allowed by law. Attorney Foster stated that primary points of interest in the agreement is that the cable company cannot use the right-of-way for their infrastructure, permission will be required if trees need to be trimmed or cut down, and cable service will be provided to municipal buildings and fire houses. Mr. Gillette asked if the agreement includes any stipulations regarding upgrading the cable and internet system, and Attorney Foster stated it did not. Mr. Flick stated that he had concerns with the fact that the local office that was formerly on West Lockhart Street was closed placing a hardship on older residents that have issues with their cable boxes. Attorney Foster called Christopher Thomas who is a representative of Time Warner in the company's Akron, Ohio office and placed him on speaker phone to hear the Borough Council's comments.

Mr. Flick restated his concern with the closure of the local office to Mr. Thomas and Mrs. Slocum asked if there is a process in place for customers to return their cable boxes. Mr. Thomas explained that there is a process to mail cable equipment but that he had not used the program and could not state how long the process takes.

Attorney Foster asked Mr. Thomas if there were plans to upgrade the cable and internet infrastructure, and Mr. Gillette stated that he was advised by Time Warner that the internet service he had at his former residence on North Wilbur Avenue was not available to him in his new residence on Bradford Street. Mr. Thomas stated he was not aware of the situation and would look into it. Attorney Foster ended the call with Mr. Thomas.

Mr. Gillette stated that he was concerned with the term of the agreement and the automatic five (5) year renewal clause. Mrs. Dekar stated that under the proposed agreement the five (5%) percent franchise fee would be applied to fewer services provided by the company.

Attorney Foster was asked to contact Mr. Thomas and clarify what revenue the franchise fee applies to, and if the ten (10) year term of the agreement is required by law or if can be shortened. Mr. Daly adjourned the Public Hearing at 5:52pm without objection.

Call to Order – Mr. Daly called the meeting to order at 6:00pm and Mr. Flick offered the Meeting Prayer and led Pledge of Allegiance.

Roll Call – The following members of the Borough Council were present; Jessie Dekar, Robert Flick, Patrick Gillette, Jason Serfas, Irene Slocum, and James Daly. Also present; Henry Farley, Mayor; Elizabeth Fice, Borough Treasurer; Attorney Jonathan Foster, Jr.; Borough Solicitor; Christopher Kaiden, Code Enforcement Director; Blane Lathrop, Public Works Foreman; Daniel Reynolds, Police Chief; and David Jarrett, Borough Manager. **Excused:** Eugene Cerutti.

Citizens To Be Heard - There were none.

Approval of Minutes – The minutes of the Borough Council Meeting & Public Hearing held on August 28, 2018 were approved as presented.

Correspondence Report – There were no questions or comments.

Finance Report – There were no questions or comments.

Committee Minutes – There were no questions or comments.

Elected & Appointed Official's Reports – There were no questions or comments.

Consent Agenda - Mr. Daly explained that additional time is needed to finalize the ordinance amendment listed as Item B and therefore the item will be removed from the Consent Agenda.

- a. Approval of Bills List
- b. ~~Approve the advertisement of the amendment to Chapter 163 – Residential Parking and Schedule of Streets~~
- c. Approval of Public Works Committee recommendation to hire Zack Boyer of Sayre, Pennsylvania as a Per Diem Public Works Employee.
- d. Approval of Public Safety Committee recommendation to designate the eastside of Linden Street between Lincoln Street and a point approximately 178 feet north as **No Parking** for a ninety (90) day trial period.
- e. Approval of Public Safety Committee recommendation to hire David Cole of Waverly, New York as Per Diem Fire Truck Driver.
- f. Approval of Public Safety Committee recommendation to hire Robert McKee of Ulster Township, Pennsylvania as a Per Diem Fire Truck Driver.
- g. Approval of Administration Committee recommendation to accept quote provided by Teledair Communications to upgrade the Borough's surveillance camera system at a cost of \$9,989.00.
- h. Approval of Pay Request #5 in the amount of \$192,826.25 submitted by Vacri Construction Corporation for the Chemung/Wilbur Infrastructure Improvement Project as recommended by the Project Engineer.

A motion was made by Mr. Flick and seconded by Mrs. Slocum to approve the Consent Agenda items with the exception of Item B as presented. **Under the question:** There were no questions or comments. **Roll Call: Mrs. Dekar, Mr. Flick, Mr. Gillette, Mr. Serfas, Mrs. Slocum, and Mr. Daly; YES.**

Vote to approve the Cable Television Franchise Agreement with Charter Communications (Spectrum Cable). A motion was made by Mr. Flick and seconded by Mrs. Dekar to *table* the Cable Television Franchise Agreement with Charter Communications (Spectrum Cable) pending further discussion. **Under the question:** There were no objections. **Mrs. Dekar, Mr. Flick, Mr. Gillette, Mr. Serfas, Mrs. Slocum, and Mr. Daly; AYE.**

Vote to approve the bid submitted by Austin Excavating in the amount of \$15,500 for the demolition of 108 Tioga Street as recommended by the Code Enforcement Agency Board. A motion was made by Mr. Gillette and seconded by Mrs. Slocum to approve the bid submitted by Austin Excavating in the amount of \$15,500 for the demolition of 108 Tioga Street. **Under the question:** Mr. Jarrett explained that the property owner does not have the financial resources to demolish the property, and he will sign an agreement with the Borough that grants the Borough the authority to file a lien on the property and the property owner will reimburse the Borough \$100.00 per month until the cost of demolition and delinquent sewer fees are collected. Mr. Jarrett also stated that funding from the Borough's Impact Fee Account will be used for the project. **Roll Call: Mrs. Dekar, Mr. Flick, Mr. Gillette, Mr. Serfas, Mrs. Slocum, and Mr. Daly; YES.**

Adjourn – A motion was made by Mr. Gillette and seconded by Mrs. Slocum to adjourn the meeting at 6:10pm. There were no objections.