

PUBLIC HEARING, TOWN BOARD MEETING, TOWN OF LITTLE FALLS, DECEMBER 8,
2015-TIME WARNER CABLE CONTRACT

A public hearing of the Little Falls Town Board was held on December 8, 2015 at the town hall commencing at 7:00 p.m. on a contract between the town and Time Warner Cable with the following members present:

Present: Supervisor Brian Marhaver
 Councilman Allan Beadle
 Councilman Kirk Schwasnick
 Councilman William Klock
 Councilman Eric Gehring

Others Present: Sandra Regan, Town Clerk; Donald Cotton, Highway Superintendent; Nicholas Macri, Town Attorney; Phil Green, Codes Enforcer; East Herkimer Sno-Riders Snowmobile Club President, Jesse Davis and nine members; Town residents, Tom Sherman, Rick Smith, Peter Campione; Planning Board Vice Chairwoman, Elaine Cobb.

-Notice of the hearing was published on 11/18/2015 in the Evening Times Newspaper.

-Supervisor Marhaver called the hearing to order stating that this hearing was being held to hear any comments for or against the town entering a 15 year contract with Time Warner Cable and asked if there were any comments on the contract.

 There were no comments.

-All persons desiring to be heard, having been heard, the hearing was closed at 7:01 p.m.

Respectfully submitted,
Sandra Regan, Town Clerk

REGULAR TOWN BOARD MEETING, TOWN OF LITTLE FALLS, DECEMBER 8, 2015

A regular meeting of the Little Falls Town Board was held on December 8, 2015 at the town hall, commencing at 7:06 p.m. with the following members present:

Present: Supervisor Brian Marhaver
Councilman Allan Beadle
Councilman Kirk Schwasnick
Councilman William Klock
Councilman Eric Gehring

Others Present: Sandra Regan, Town Clerk; Donald Cotton, Highway Superintendent; Nicholas Macri, Town Attorney; Phil Green, Codes Enforcer; East Herkimer Sno-Riders Snowmobile Club President, Jesse Davis and nine members; Town residents, Tom Sherman, Rick Smith, Peter Campione; Planning Board Vice Chairwoman, Elaine Cobb.

-Supervisor Marhaver called the meeting to order directing the Clerk to call the roll.

RESOLUTION #78

Minute Approval

On motion of Councilman Klock, seconded by Councilman Beadle, the following resolution was ADOPTED-vote:

Ayes-Supervisor Marhaver; Councilmen Beadle, Schwasnick, Klock, Gehring

Noes-0

RESOLVED that the minutes of the previous month's meetings, as submitted by the clerk, hereby be approved.

-Privilege of the floor was granted to those present.

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-Jessie Davis, President of the East Herkimer Sno-riders Snowmobile Club, asked what became with the Planning Board official.

Supervisor Marhaver stated that he had spoken with the official and that he has given his resignation.

Mr. Davis asked if the town planned on pursuing any future actions regarding the breaking of the law.

Supervisor Marhaver stated that on Attorney recommendation, the town considers this matter closed with his resignation.

There were no further comments.

RESOLUTION #79

Supervisor Monthly Report

On motion of Councilman Beadle, seconded by Councilman Schwasnick, the following resolution was ADOPTED-vote:

Ayes-Supervisor Marhaver; Councilmen Beadle, Schwasnick, Klock, Gehring

Noes-0

RESOLVED that the Supervisor's Monthly report, as submitted, hereby be approved and placed on file.

RESOLUTION #80

Time Warner Cable Franchise Contract Approval

On motion of Councilman Klock, seconded by Councilman Schwasnick, the following resolution was ADOPTED by roll call vote:

Supervisor Marhaver	Aye
Councilman Beadle	Aye
Councilman Schwasnick	Aye
Councilman Klock	Aye
Councilman Gehring	Aye

WHEREAS an application has been duly made to the Board of the Town of Little Falls, County of Herkimer, New York, by Time Warner Cable Northeast LLC (“Time Warner Cable”), d/b/a Time Warner Cable; a limited liability company organized and existing in good standing under the laws of State of Delaware doing business at 120 Plaza Drive, Suite D, Vestal, New York 13850 for the approval of an initial agreement for Time Warner Cable’s cable television franchise for fifteen (15) years commencing with the date of approval by the Public Service Commission. The Franchise Renewal Agreement would bring the franchise into conformity with certain provisions of the Federal Cable Communications policy Act of 1984, as amended, and certain court rulings, and

WHEREAS a public hearing was held in the Town of little Falls, New York on December 8, 2015 at 7:00 p.m. and notice of the hearing was published on the Evening Times Newspaper on November 18, 2015,

NOW THEREFORE, the Board of the Town of Little Falls finds that:

1. Time Warner Cable has substantially complied with the material terms and conditions of its existing franchise and with applicable law; and
2. Time Warner Cable has the financial, legal and technical ability to provide these services, facilities and equipment as set forth in its proposal attached; and
3. Time Warner Cable can reasonably meet the future cable-related community needs and interests, taking into account the cost of meeting such needs and interests.

BE IT FURTHER RESOLVED that the board of the Town of Little Falls hereby grants the Cable television franchise of Time Warner Town of Little Falls for fifteen (15) years commencing with the date of approval by the Public Service Commission and expiring fifteen (15) years hence, and

BE IT FURTHER RESOLVED that the Board of the Town of little Falls hereby confirms acceptance of this Franchise Renewal Agreement.

-Supervisor Marhaver reported:

- that the town’s equalization rate is down to 74%. Supervisor Marhaver stated that he had attended a meeting with officials from surrounding municipalities and that discussion was held on holding a re-evaluation. Supervisor Marhaver stated that if we do it together we can possibly save money and everyone would be somewhat near each other.

-that there is NYMIR information if anyone is interested in reading it.

-Assessor Report: None

-Codes Enforcer Report: Nothing at this time.

REGULAR TOWN BOARD MEETING, TOWN OF LITTLE FALLS, DECEMBER 8, 2015-CONT.

-Town Attorney Report: Nothing at this time.

-Town Justice Report:

Supervisor Marhaver reported that the deposit has been made.

-Planning Board Report:

-Clerk Regan reported that no meeting was held.

-Supervisor Marhaver reported that Planning Board Chairman, Tom Canastar, had submitted his resignation and that the town is looking for a replacement if anyone is interested.

Planning Board Vice Chairwomen Cobb stated that she has an objection to any member of the snowmobile club becoming a member of the planning board due to the issues involved with the club and doesn't think anyone with opposing views should be appointed to the board.

The snowmobile club responded that Mr. Canastar was appointed to the board and he had an agenda.

Planning Board Chairwoman Cobb and Supervisor Marhaver informed the club that both Mr. Canastar and Mr. Todd had been informed, at the time of their appointments, that they could not vote on the snowmobile club.

There were no more comments.

-Health Officer Report:

Supervisor Marhaver reported that the town is still looking for an officer.

-Dog Control Officer Report:

Councilman Klock reported that he has had several calls from residents concerning dog complaints and that Mr. Ortlieb doesn't show up or return phone calls. Councilman Klock stated that he has called him and he doesn't return his calls.

Clerk Regan stated that she would call Larry regarding this matter.

-Highway Superintendent Report:

Highway Superintendent Cotton reported all is going well and that the truck won't be delivered until 2016.

Supervisor Marhaver stated that there is \$32,000 in the budget to help pay for the truck but that the lease won't be ready until January.

-Supervisor Marhaver reported that the electrical bill is high so National Grid's been called to come look at what is going on.

-Town Clerk Report:

Clerk Regan reported that she had attended a town clerk's meeting and that a law involving the town's right to opt out of assessment exemptions for Solar Farms was discussed and that this is something the town may want to look into.

Attorney Macri was given a copy of the law to review and will advise the town on this matter at the next meeting.

-Meeting recessed at 7:21 p.m. to audit the bills.

-Meeting resumed at 7:36 p.m.

REGULAR TOWN BOARD MEETING, TOWN OF LITTLE FALLS, DECEMBER 8, 2015-CONT.

RESOLUTION #81

Payment of General Bills

On motion of Councilman Beadle, seconded by Councilman Gehring, the following resolution was ADOPTED-vote:

Ayes- Supervisor Marhaver; Councilmen Beadle, Schwasnick, Klock, Gehring

Noes-0

RESOLVED that the General Bills #110-124 in the amount of \$5,814.01 hereby be paid.

RESOLUTION #82

Payment of Highway Bills

On motion of Councilman Schwasnick, seconded by Councilman Klock, the following resolution was ADOPTED-vote:

Ayes-Supervisor Marhaver; Councilmen Beadle, Schwasnick, Klock, Gehring

Noes-0

RESOLVED that the Highway Bills, #148-162 in the amount of \$9,095.99 hereby be paid.

-Councilman Gehring stated that a letter of appreciation should be sent to Tom Canastar. Clerk Regan stated that she would send a letter to Mr. Canastar. Supervisor Marhaver stated that this was already done, that he had already sent one and would forward a copy to the clerk.

Planning Board Vice-Chairwomen Cobb stated that it will be hard to find a person as knowledgeable as Tom was. Clerk Regan stated that she agreed. That in addition to his knowledge, he was very active and dedicated. The board agreed.

-Clerk Regan informed the board that she will be looking to purchase a new computer and monitor. The board recommended that she purchase what she needs this year since there is money in the budget to do so.

RESOLUTION #83

Town Clerk Authorization to Purchase New Computer

On motion of Councilman Beadle, seconded by Supervisor Marhaver, the following resolution was ADOPTED by roll call vote:

Supervisor Marhaver Aye

Councilman Beadle Aye

Councilman Schwasnick Aye

Councilman Klock Aye

Councilman Gehring Aye

RESOLVED that the Town Clerk hereby be authorized to purchase a new computer, monitor and accessories, at her discretion, not to exceed the cost of \$500.00.

-The next regular meeting will be held on January 12, 2015 at 7:00 p.m. at the town hall.

-Meeting adjourned at 7:32 p.m.-Councilmen Klock, Gehring

Respectfully submitted,

Sandra Regan, Town Clerk