

**CITY OF CORTLAND  
CABLE COMMISSION  
Monday, February 6, 2012**

Present: Richard Menapace, Chair; John Nagleschmidt, Deputy Chair; Jim Forshee, Lisa Kahle, and Sharon Stevans, Commissioners; Vince Minnella, ex-officio member; and Barbara Bergeron, Secretary

Guests: Brian Tobin, City of Cortland Mayor and Mack Cook, City of Cortland Director of Administration and Finance

Chair Menapace called the meeting to order at 7:02 PM with a quorum present.

Commissioner Jim Forshee made a motion to adopt the notes of September 19, 2011. Commissioner Sharon Stevans seconded the motion and the motion passed unanimously.

Chair Menapace introduced the guests. Mayor Tobin thanked the committee volunteers for their effort, for what they've done and continue to do in trying to reach an agreement with Time Warner & Cable. Chair Menapace gave a short review regarding the expired contract (2005) advising discussions started in 2004. The goal is to enhance the new contract to be in line with the 21<sup>st</sup> century and to include PEG and other items that would help reflect technology changes in the next 10 years. There are a lot of freebies in the old contract thanks to Vince Minnella. TWC was generous, as they wanted to obtain a signed contract that even included a paid staff person. Negotiations started in 2009 including adapted things pertinent to the future. There have been 5 or 6 versions with the last one dated March 24, 2011. Last negotiations were with David Whalen of TWC who has been friendlier than other representatives. Negotiations are currently at an impasse with special regard to equipment needed and the Commission is operating under the old contract.

Commissioner Stevans advised, that other than PEG, we would lose senior discount. She also noted the equipment is getting old. Commissioner Forshee added the Common Council equipment used to put programs on the airways at Tompkins Street, not to mention the equipment to tape meetings will breakdown in the near future, and feels further delay will bring public access to an end. He feels institutional inertia is so big, meetings and negotiations get lost in the layers of TWC.

Commissioner Forshee tried explaining the offer of approximately \$5,100/year for ten years, (5 cents) per subscriber per month. The Cable Commission would be able to update with new equipment when needed vs. a \$23,000 one time payment, paid in one year, with a subscriber pass through fee each month of 22

cents. Chair Menapace suggested the Cable Cortland Cable Commission should buy their own equipment and upgrade it as needed. Commissioner Forshee feels the first option would keep PEG going. Commissioner Stevans again expressed her concern of "no accountability, when TWC is maintaining the \$23,000 account for us, and their buying the needed equipment.

Vince Minnella stated he always had questions about tacking on 5 cent to subscribers and wondered if this would cease after the first year or term of contract. It seemed unclear to him. (it would extend the full term of the contract)

In October Commissioners Forshee, Menapace, Stevans and Minnella met with Mr. Cook who advised he could create a line item for Cortland Cable Commission. If he gets the money, yes, they could handle it.

Chair Menapace said he had talked to David Whalen and TWC was almost on board with our proposal. Commissioner Stevans stated, "We are just too small." Commissioner Forshee advised Channel 2 is supported by TWC and Channel 17 is supported by Cortland High School and none of the money goes to them.

Melanie's role is paid by TWC. She is an ally for CCC but is paid by TWC. She has problems formatting tapes to go on Channel 2. It takes a lot of time to format, which has to be done each time with some tapes that come in. Camcorders are ideal. It's a rock and hard place situation with office size reduced; office area in rear where equipment is stored. Commissioner Forshee has wondered if the equipment is usable and asked Melanie who advised TWC was to handle it. Commissioner Stevans believes TWC wants the studio to just go away.

Commissioner Forshee stated Carol McTague has worked with us on the contract. There is the giving up of the senior discount which TWC is mandatory. Deputy Chair Nagleschmidt said there were about 72 covered seniors at one point, however the current number is not known at this time.

Commissioner Stevans stated, equipment costs, Melanie's position, PEG add on are stumbling blocks and asked who gets the money, how is it accounted for?

Vince Minnella advised that Melanie is constrained to work with what people bring to her, provides training for those taping programs but doesn't tape herself. Commissioners Forshee and Stevans do the taping.

At 7:30 PM, Ms. McTague phoned and the meeting continued dialog with her. Mr. Cook advised the Cortland City Schools had no room for taking on the cost of items mentioned.

Ms. McTague said she had spoken with David Whalen who met with the corporate attorney, John Foggerty in New York City and "it looks like a go."

Mr. Cook said the school had already looked into investing to do this type of work on Channel 2 including equipment to create proper format and any type of equipment update. Commissioner Stevans asked, "Would they do all community meetings?" Ms. McTague confirmed educational/school, council, community related events in City of Cortland, Cortlandville, Homer Village, Homer Town and McGraw...estimate of approximately 24 for City of Cortland; 2/3 a day, per week, non-profits, 12 months a year; and annual Naturalization program.

Commissioner Forshee asked, "If the school took over, what would Melanie's role be?" Mr. Mack advised, "header/footer, teaching programs for Melanie."

Ms. McTague – A) upfront equipment package or B) \$5,100 per year equipment list

Commissioner Forshee

- upfront money same purpose as 5 cent per subscriber
- \$23,000 our way to be used over 10 year period
- \$51,000 (\$5,100 each year of 10 year contract) in lieu of \$23,000; in five years equipment may be obsolete, new technology; CCC would control and get equipment and would know where money was coming/going
- 5 cent per subscriber is twice what was offered

Ms. McTague asked, "Will all five communities be on board with this?" and "Are there any other funding sources?" She relayed the following subscriber base information:

City of Cortland	6,260
Cortlandville	2,472
Homer Town	591
Homer Village	1,085
McGraw	260

Chair Menapace asked if we were still in a waiting game and Ms. McTague replied David Whalen was getting back to her in a few days. She had advised him she would be talking with Cortland Cable Commission this evening. Vince Minnella asked if the latest version was for a 10-year contract and Ms. McTague responded she believed so. She then asked how the CCC wanted to treat the rest of the contract. She felt working with the most current contract and provisions would be beneficial. She'll mark up the March 24, 2011 contract.

Franchise is giving to municipalities reporting requirements, customer service, needs for community to be clear.

Some of the details yet to handle:

- Each municipality can do public hearing either jointly or singularly.
- Each municipality needs to sign
- If any of the 5 municipalities opt out of the add on fee, the 5 cent per subscriber fee will be left out of their contract, but they still need to sign the contract.

Commissioner Forshee asked about the non-availability of MSG (Madison Square Garden) events on Time Warner. This has been paid for by contractual agreement between MSG and cable companies. TWC feels MSG is charging too much.

He then asked, "How much is TWC saving by not providing this service?" Ms. McTague suggested he call TWC, as she didn't have that information. Commissioner Forshee – "public amenity, not accountable."

Ms. McTague:

- She would also like full disclosure regarding this at federal level, NCC.
- Senators Schumer and Gillibrand are putting pressure on TWC.
- She wished there was more that could be done, perhaps on federal level.

Chair Menapace stated that New York City Comptroller, John C. Liu sent a letter to TWC requesting that TWC should issue a monthly rebate of \$5.95. Should we have people write to TWC? Class action law suit.....?

Ms. McTague can check on this; paying for something customers not getting. She expects next several days to have a definitive answer. Chair Menapace will check with her on Friday. Ms. McTague advised David Whalen would be contacting her Wednesday by the latest.

Commissioner Forshee asked when could the return contract copy be returned to CCC and could she outline steps to follow regarding community meetings. Ms. McTague at one point during the phone conversation stated, "These guys, (CCC), have been doing a stellar job to get this contract negotiated."

Chair Menapace thanked all for coming and stated Ruth Gunsberg has been invited to speak with us after the contract is finalized. She also has MSG issue. He announced the next scheduled meeting: March 5, 2012, 7:00 PM, City Hall.

Mayor Tobin asked what programs and channel number MSG were and was advised Channel 29, SPN1, SPN2, Sports pass, Rangers, Islanders, Sabres games at \$5.95/month.

Commissioner Stevans asked to revisit the list of doing the approximately 150 community programs a year.

Commissioner Forshee in response to having students do them; Common Council meetings, yes, but students could do only 9 months out of 12; other events, no; night equipment fee going to high school, just not compatible. Commissioner Stevans advised CCC didn't pay people to film events. Commissioner Forshee, school discourages students doing events during the day. For example, Round Table meetings start at 8:00 AM. Most common events are during the day. Then there are transportation and supervision problems. High school is capable of handling two different channels; taking over taping (17 and 2). We don't want to take out Melanie's job; (350) equipment checked out; then TWC would remove her.

Commissioner Stevans suggested if she wanted to use equipment for any taping jobs, students would have first choice and she would have second. Melanie couldn't train people. Doesn't believe high school kids would be responsible to lock up equipment and would like the presence of adult supervision.

Commissioner Forshee sees problems if two events need taping, and asked, "What takes priority—Common Council or High School vs. Dewitt game?"

Vince Minnella suggests non-profit groups need documentation.

Commissioner Lisa Kahle also agrees this won't work going through the high school.

Commissioner Forshee's video club taped both Homer High School and Cortland State graduations and was paid for doing so but not for taping done at the state fair.

Deputy Chair, John Nagleschmidt made a motion to adjourn at 8:10 PM.

Next meeting March 5, 2012, 7:00 PM, City Hall

Respectfully submitted,

Barbara Bergeron

Addendum

Commissioner Forshee asked Chair Menapace, once David calls back, to strongly encourage a stronger attendance to decide on the final stages of the contract.

Mayor Tobin asked if there was a criterion for attendance to CCC meetings.

Perhaps the public should be aware of the lack of participation by commissioners and their respective areas; Chris Perrine (Village of Homer); Allen Phillips (McGraw), and Chris Poole (Cortlandville). Perhaps advise public to call the Mayor regarding this issue.

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