

**TOWN OF BALDWIN
PUBLIC HEARING
FEBRUARY 13, 2019**

THIS PUBLIC HEARING of the Town of Baldwin was called to order at approximately 6:00 p.m. by Supervisor Purvis. Those present were Councilman Sherwood, Councilman Steiner, Councilwoman Purvis and Councilman Collins.

Also present was Faith Marmor, Paul Tillotson, Ana Pirro, Robin Rosekrans, Bryan Hyland, Leon Tuttle, Lee Haefeale and Terie Huseby.

PUBLIC HEARING

Supervisor Purvis read the "Rules Governing a Public Hearing".

Page 5, Section 10 of the Agreement: Supervisor Purvis stated that he spoke with the Public Service Commission and they had a question as to Page 5, Section 10 of the Agreement concerning the formula, i.e. the primary service without extra charge is 35 homes per linear mile and 20 (or the average number of dwelling units) per linear mile for the individuals who pay to have installation, and why there is a difference. Lee Haefeale will have to work on this for the Town, he does not have an answer for that right now. Typically they extend wire for 10 customers per mile, they typically do much better than either of those mentioned above. Haefeale takes a franchise base copy from the Public Service Commission.

Councilman Sherwood asked for clarification as to what Page 5, Section 10 of the Agreement means. Lee Haefeale stated that this has to do with people that are not in the service area, people outside that can contribute to the construction costs. What happens though is if you have one person and they are a mile out, it is tens of thousands of dollars and this is mostly what they get on these requests. Whereas, people can go together and get a group, they can get it down to quite a few times free. He is not sure how much is left in the town. There is pretty good coverage in the map currently. Robin Rosekrans stated that she lives on Hoffman Hollow Road and there are two miles on Hoffman Hollow that are not covered. Mr. Haefeale stated that some areas were not included in the grant. It was asked if Haefeale could go in those two miles and he commented that they could but that the grant would not fund it. Councilman Sherwood asked that in this case if they had five or ten neighbors in that section there, they could all say they wanted the service? Mr. Haefeale stated that they would see what they could work out. Councilman Steiner stated that where the highlighted areas are on the map, if they might increase them later on as a lot of people are not covered, like Hoffman Hollow Road, Norway Road? Mr. Haefeale said if they were not in the grant that they probably were not going to get covered. This is a good question, there are a lot of places in the State like this.

State Grant: Lee Haefeale stated that the bad news for the Town is that the grant is not funded at the moment and the franchise cannot be signed today until they find out more about the pole permits and see how they are doing, if the grant gave them enough funds. There is still some chance that it could go the wrong way, although they are working to make it work. He does not think there is a time limit on signing. It is probably going to take a few months to figure it out. Councilman Steiner asked who was holding this up. Mr. Haefeale stated that what they have to do is apply for the pole permits and see what the cost comes out to be, as lately with NYSEG they have been changing 50% of the poles. They pay for some of them, but still would be way over budget. He thinks everybody has a problem with Phase III Grants, NYSEG changes the specifications in the middle of the grant process. This is the downside. To

try and save this, they can put in some of their own poles but there is a push back on that from the Public Service Commission, and so his saving plan may or may not work. The biggest variation is which contractor they send to do the pole layout work, one is much more strict than another.

Supervisor Purvis asked if anyone did some kind of a write in campaign, would that hold any weight. Mr. Haefele replied that it is too early yet, but yes.

Supervisor Purvis asked if the grant is connected to the State's budget, to which Mr. Haefele stated that they had \$5,000,000,000.00 allocated towards this and they gave out that much. They cut out some areas, certain type of way they categorized census blocks as they had some labeled "alternative service areas" and those they left out. Supervisor Purvis asked if the State's shortfall right now could be part of the reason, to which Mr. Haefele stated no, it is already allocated. Everything hinges on the grant money.

Councilman Steiner asked when Haefele expects to know? Haefele is working through some papers with the grant people right now and hopefully that will all straighten out in a couple of weeks and they can put the pole permit applications in, they take about 45 days, in a few months. They do not anticipate being done with the Phase II Grant until June and so they would not even be able to start the Phase III Grant until then, but they could get the paperwork done.

Agreement: Supervisor Purvis asked if the Board was to vote to approve this contract, then as soon as everything is aligned it would then be automatically starting? Lee Haefele stated that they both, i.e. the Board and Haefele, need to sign and Haefele cannot sign at this moment.

Councilman Steiner asked if it was beneficial for the Board to sign the Agreement? Haefele would not be able to sign it, as if he did sign it, it would be obligating him to build even if they received the grant money or not. The Board signing the Agreement would have no benefit to Haefele at this time.

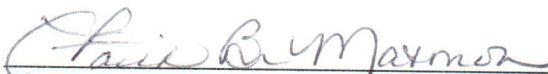
Conclusion: The Board's consensus was to table this matter/agreement between the Town of Baldwin and Haefele until such time as Haefele receives the grant funding/approval and hears from Haefele concerning the same. Mr. Haefele will work to fix the wording on the line extension calculation.

ADJOURNMENT

A Motion was made to adjourn the Public Hearing by Councilman Steiner, seconded by Councilman Sherwood, All Ayes.

A copy of the Notice of Public Hearing and Affidavit of Publication are attached to these minutes.

Respectfully Submitted,



Faith B. Marmor, Town Clerk

NOTICE OF PUBLIC HEARING
TOWN OF BALDWIN
APPLICATION FOR CABLE FRANCHISE CONTAINING INFORMATION
SPECIFIED IN 16NYCRR PART 894.7

Notice is hereby given that the Town Board of the Town of Baldwin, will hold a Public Hearing to allow for an application for a franchise containing the information specified in 16NYCRR 894.7. Any application must be submitted by any interested cable television company by January 29, 2019, which is at least 15 days prior to the Public Hearing held pursuant to Section 894.7 thereof.

This Public Hearing is being held regarding granting a cable television franchise agreement by and between Haefele TV, Inc., d/b/a Haefele Connect, and the Town of Baldwin.

A copy of the agreement is available for public inspection during normal business hours at the Town Clerk's Office located at 622 Breesport North Chemung Road, Lowman, New York 14861, and at the Public Service Commission located at 3 Empire State Plaza, Albany, New York 12223.

The time and place for the hearing will be on February 13, 2019 at 6:00 p.m. before the start of the Town of Baldwin regular monthly meeting at the Baldwin Town Hall, 622 Breesport North Chemung Road, Lowman, NY 14861.

All persons with written and oral statements will be heard at that time.

BY ORDER OF THE BALDWIN TOWN BOARD
Faith B. Marmor
Baldwin Town Clerk
Dated: January 19, 2019

STAR-GAZETTE

State of New York
County of Chemung, SS:

Morris being duly sworn, deposes and says she is the Principal Clerk of the Elmira Star-Gazette, Division of Gannett Newspaper Subsidiary, publishers of the Star-Gazette newspaper printed and published daily in Elmira, and of general circulation in said county, and that a NOTICE, of which annexed is a printed copy, out from said newspaper has been published in said newspaper on:

01/19/19

Morris

Subscribed and sworn to before me this 19 day of January, 2019

K. Marano

Notary Public

