

FIVE TOWN CABLE ADVISORY COMMITTEE
Representing the Towns of Great Barrington, Lee, Lenox, Sheffield and Stockbridge

Minutes
June 9, 2015
6:30pm
Great Barrington Town Hall
Great Barrington, MA

Members Present: Linda Miller –Lenox
Tom Hatch – Great Barrington
Steven Moritz – Lee
David Parker - Lee
Russ Stein – Sheffield
John Londoner - Sheffield
William Lehman - Stockbridge

Others Present: John Fogarty – Time Warner Cable
Will Ryan – Board President, CTSB
Leo Mahoney – CTSB
Paul Gibbons
Ann Condon
Eileen Mooney
Denise Curtin – Recording Secretary

6:30pm Linda Miller called the meeting to order.

MINUTES: Steve Moritz moved to dispense with the reading of the minutes of March 10, 2015 meeting and to accept the minutes as submitted with no changes. Seconded by John Londoner. The motion carried unanimously.

CTSB REPORT:

- Leo Mahoney presented the report.
- Leo handed out the annual report. The audit is not included but will be presented to the 5 towns once it is completed.
- Will Ryan and Leo have been doing presentations to local civic groups (i.e. Tri-Town Rotary, Sheffield Kiwanis, Lee Historical Society and Great Barrington Rotary). If any CAC member has a group you would like them to speak to please let them know.
- Three scholarships, \$400 each, have been awarded to Rob McNinch from Lenox, Christopher Whitebeck from Monument Mountain and Haley Barbieri from Mt. Everett.
- Annual town meetings were covered by CTSB. All of the meetings that were scheduled to be live did air as scheduled, however, due to a Time Warner fiber break some of the meetings experienced freeze-ups. They are continuing to search for the break.
- The question was raised to John Fogarty from Time Warner when the upgrade to fiber optic for Lee, Lenox, Great Barrington and Sheffield town halls would be completed as part of the new franchise agreement? Stockbridge already has fiber optic.

- Lee member, David Parker asked what was the intention for the new fiber to town buildings. Time Warner replied that the town halls had requested fiber and Time Warner agreed to do this and the monies have been set aside for the project. Other locations brought up are the Senior Centers in Great Barrington and Sheffield.
- Leo Mahoney agreed to do a draft schedule of prioritization of the four towns and send to Melinda Poore.
- Meetings covered by CTSB equals a total of 126 hours.
- Production of 13 regular series shows from their studio.
- Members have booked 52 hours of studio time this quarter and 323 hours of editing time.
- We have provided 56 hours of edit training and 30 hours of production training.
- The CTSB annual meeting was held on May 26, 2015 and the following executive board elections are:
 - Will Ryan – President
 - Al Saldarini – Vice President
 - Gary Allen – Treasurer
 - Paul Gibbons – Secretary
- On June 3rd CTSB celebrated the one year anniversary in the new facility. Special thanks go out to CTSB staff members Erica Spizz, Steve Borns and Coral Cook. The committee congratulated CTSB.
- A complaint was brought to the committee by Paul Gibbons charging an improper removal of Mr. Balfanz under CTSB by-laws in the removal of James Balfanz from the CTSB Board of Directors. Mr. Gibbons was questioning the validity of CTSB by-law section 3.4 as written, “for whatever reason”. [See Appendix A]
- Mr. Gibbons acknowledged that:
 - a) A notice was mailed to Mr. Balfanz that a special meeting of the Board would be held on May 5, 2015 to consider a proposal that he be removed from the Board. The notice was given by mail more than 10 days prior to the meeting as required by section 3.4 of the by-laws.
 - b) A quorum was present at the meeting and the motion was made to remove Jim from the board “for whatever reason”. The vote to remove was 6 in favor, 5 against, 2 abstentions. The reasons given were that Mr. Balfanz had been “disagreeable, and disruptive” at meetings, and in emails away from meetings.
- A motion was made by Steve Moritz not to take any action on the complaint against CTSB board members because CTSB acted in proper compliance with their by-laws, and to strongly recommend that the CTSB Board review and amend their by-laws if a majority of their Board believes the current Section 3.4 ambiguous. Motion was seconded by Russ Stein and passed unanimously.
- Appeal was made by Linda Miller for volunteers and donations to CTSB.

TIME WARNER REPORT:

- Melinda Poore was unable to attend and John Fogarty gave the report.
- Merger of Time Warner and Comcast is not going to happen.
- Time Warner has entered into an agreement with Charter. Unsure at this time if TWC will be wholly owned or incorporated into Charter.
- TWC anticipates receiving more information before end of July and will be sure to give us everything contained in the 394 report (FCC form about the transaction). No filing date as of yet.
- Ann Condon from Great Barrington asked what is the timeframe was and what the purpose of a public hearing was for?
 - The CAC is required to hold a public hearing to see if the towns will consent to transfer the Cable Television Franchise license to the acquiring company. This special public hearing will be held in a central location of our five towns once the filing has been made with the FCC. It could possibly be by September.

- Price Increase Notifications - Mr. Fogarty stated:
 - Lee, Lenox and Stockbridge are regulated communities and Great Barrington and Sheffield have been granted Effective Competition status under the FCC, meaning that 15% or more residents in these two communities subscribe to a satellite TV service creating a competitive environment.
 - Linda Miller asked what the criteria was for regulations? The entire state has access to satellite and should all be un-regulated.
 - John Fogarty responded that it is not just the availability of satellite but a certain % of residents have to be subscribers.
 - The committee was sent the rate cards showing the differences in rates amongst the towns.
- Madison Square Garden Network - Mr. Fogarty stated:
 - Time Warner Cable does not have the rights to carry MSG outside of New York State. MSG is not a broadcast channel. Berkshire County is considered part of Albany market for broadcast channels based on rules set by the FCC. We can petition the FCC for this and other “market” issues. He will find out how to get started with filing a petition.
- Linda Miller asked why the CTSB channels, 16, 17, 18 remain blank on basic service. These channels have been moved to a higher tier in the 100’s and require a converter box. She questioned why the Peg Access Channels require a DTA to receive them in the lowest tier of service.
- Ann Condon asked if there could be a way for people to apply for subsidy for DTA adapters if they are on fixed incomes. People with very basic service may not be able to attend the town meetings so only way to know what goes on would be to watch on our public access channels.
- John will look into it but it is very unlikely as it would be very difficult to administer.
- PEG Channels are local information and what those channels are for. Basic subscribers should be able to get them.
- David Parker asked where did the music channels go? Was informed that they have moved up to the 1,200’s.
- Ann Condon stated that even though channels 16, 17, 18 are not accessible with basic service the TV Guide channel still says they reside there. Very confusing and if you don’t ask you wouldn’t know where they are.
- John & Leo both indicated that because it is on the adapter on those channels it has to show that way on the guide.
- Ann also asked where C-span is now? Guide still says channel 53 but it isn’t there. This channel was also moved up.
- Eileen Mooney has called the state regulatory agency about C-span and she was told that this channel is not considered something that cable systems have to offer.
- Linda would like to find out who Eileen talked to. The committee would like to make some calls to find out further information.

Customer Compliments –

- 4 technician compliments received.

OLD BUSINESS –

- No old business.

NEW BUSINESS –

No new business.

Next meeting of the Five Town Cable Advisory Committee will be held Tuesday, September 8, 2015 at 6:30PM at the Sheffield Town Hall, Sheffield, MA.

Motion made by Tom Hatch to adjourn. Motion seconded by David Parker and motion carried unanimously.
Meeting adjourned 8:05PM.

Respectfully submitted,
Denise Curtin
Recording Secretary

Appendix A

From CTSB Bylaws:

3.4 Absenteeism, Removal of Directors and Vacancies

Any Director who fails to attend a regular Board meeting shall receive written notification of the business conducted. Any Director who fails to attend three (3) consecutive meetings of the Board of Directors without significant excuse may be removed from the Board at a regular or special meeting of the Board.

Any Director proposed to be removed, for whatever reason, shall be entitled to at least ten (10) days notice in writing by mail of the meeting of the Board at which such removal is to be voted upon and shall be entitled to appear before, and be heard by the Board of Directors at such meeting prior to such vote for removal.

Upon resignation of an officer, the Board President may select a replacement officer to be confirmed by the Board and to complete the term of the resigning officer. Board officers are elected for full terms at the Annual Meeting. Any vacancy on the Board shall be filled by a majority vote of the remaining Directors. Such a replacement Director shall serve until the next Annual Meeting of Members at which time a person shall be elected to serve only until the end of the unexpired term of the person whose absence caused the vacancy to exist in accordance with Article 3.3.