

**TOWN BOARD SPECIAL MEETING
TOWN HALL, MAHOPAC, N.Y.**

A Special Meeting of the Town Board of the Town of Carmel was called to order by Supervisor Kenneth Schmitt on the 12th day of December 2018 at 7:19 p.m. at Town Hall, 60 McAlpin Avenue, Mahopac, New York. Members of the Town Board present by roll call were: Councilman Barile, Councilman Schneider, Councilman Lupinacci, Councilwoman McDonough and Supervisor Schmitt.

The Pledge of Allegiance to the Flag was observed prior to the start of official business. A moment of silence was held to honor those serving in the United States Armed Forces.

Supervisor Schmitt explained that the meeting was delayed because members of the Town Board went to express their appreciation and best wishes to retiring longtime Planning Board member and Chairman, Harold Gary at his last Planning Board meeting.

Supervisor Schmitt announced that the Town Board met at 6:00 p.m. in Executive Session for discussion with Highway Superintendent Michael Simone with regard to a matter of personnel as well as to conduct an interview in connection with a vacancy on the Board of Assessment Review.

PUBLIC HEARING HELD TO HEAR OBJECTIONS TO ASSESSMENT ROLLS FOR THE OPERATION AND MAINTENANCE OF THE IMPROVEMENTS OF THE GARBAGE, SEWER AND WATER DISTRICTS FOR FISCAL YEAR 2019

Supervisor Schmitt asked the Town Clerk to read the following Notice of Public Hearing as published in the Town's official newspapers:

<p>LEGAL NOTICE NOTICE OF PUBLIC HEARING NOTICE IS HEREBY GIVEN, that the Town Board of the Town of Carmel, pursuant to Town Law Section 202-a will conduct a Public Hearing at the Town Hall, 60 McAlpin Avenue, Mahopac, New York on Wednesday, December 12, 2018 at 7:00 PM or as soon thereafter that evening as possible for the following purpose:</p> <p>To consider the 2019 Tentative Assessment Rolls of Carmel Sewer Districts #1, #2, #3, #4, #5, #6, #7, #8 and extensions thereto as well as Carmel Water Districts #1, #2, #3, #4, #5, #6, #7, #8, #9, #10, #12, #13, #14</p>	<p>and extensions thereto as well as the Town of Carmel Garbage District</p> <p>BE IT FURTHER NOTICED, that the 2019 Tentative Assessment Rolls may be inspected at the Town Hall, 60 McAlpin Avenue, Mahopac, New York during normal business hours. At said Public Hearing, all interested persons shall be heard on the subject thereof. The Town Board will make every effort to assure that the Public Hearing is accessible to persons with disabilities. Anyone requiring special assistance and/or reasonable accommodations should contact the Town Clerk. By Order of the Town Board of the Town of Carmel Ann Spofford, Town Clerk</p>
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With no one objecting to the public notice as read, Supervisor Schmitt opened the Public Hearing for public comment at 7:22 p.m. Twelve (12) people were in attendance.

With no one wishing to be heard on the subject of the Public Hearing, on motion by Councilwoman McDonough, seconded by Councilman Lupinacci, with all members of the Town Board present and in agreement, the Public Hearing was closed at 7:22 p.m.

PUBLIC HEARING CONTINUED TO 1/16/19 - PROPOSED LOCAL LAW AMENDING CHAPTER 89 OF THE CODE OF THE TOWN OF CARMEL, ENTITLED "FRESHWATER WETLANDS"

On motion by Councilwoman McDonough and Councilman Schneider, seconded by Councilman Lupinacci with all members of the Town Board present and voting "aye", the Public Hearing in connection with the proposed Local Law amending Chapter 89 of the Code of the Town of Carmel, entitled "Freshwater Wetlands" was continued to January 16, 2019.

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(Cont.)

Supervisor Schmitt explained that the Public Hearing is being held open in anticipation of the submission of further written comments to the Town Board in connection with the matter.

Councilman Schneider requested that the final draft of the proposed Local Law be forwarded to the Environmental Conservation Board for their review.

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF CARMEL ADOPTED
AUTHORIZING THE TOWN SUPERVISOR TO SUBMIT ON THE TOWN'S BEHALF
REPLY COMMENTS TO THE FEDERAL COMMUNICATIONS COMMISSION IN THE
MATTER OF THE IMPLEMENTATION OF SECTION 621(A) (1) OF THE CABLE
COMMUNICATIONS POLICY ACT OF 1984 AS AMENDED BY THE CABLE
TELEVISION CONSUMER PROTECTION AND COMPETITION ACT OF 1992**

WHEREAS, on September 25, 2018, the Federal Communications Commission (FCC) issued a Second Further Notice of Proposed Rulemaking, (Docket No. 05-311, In the Matter of Implementation of Section 621(a)(1) of the Cable Communications Policy Act of 1984 as Amended by the Cable Television Consumer Protection and Competition Act of 1992) (the "FNPRM"); and

WHEREAS, the FNPRM is intended to address two issues raised by a remand from the US Court of Appeals for the Sixth Circuit regarding how local franchising authorities may regulate cable operators; and

WHEREAS, through the FNPRM process the FCC is considering adopting rules that would limit the consideration for which local governments can negotiate with cable television franchisees operating in public rights of way to only a franchise fee of no more than 5%; and

WHEREAS, under the proposed rules, other in kind benefits that cities and counties have historically negotiated for with cable television companies, such as PEG channel capacity and complementary services to public facilities, would have to be offset against franchise fee revenue, which is only intended to act as a rental payment for use of the public rights of way;

WHEREAS, these limits and offsetting requirements could force local governments to choose between adequately funding local public access, educational and government programming, and maintaining the franchise fee contribution to their general funds; and

WHEREAS, the Town of Carmel's Cable Advisory Committee supports maintaining local franchising authority to preserve local governments' ability to negotiate in the public interest for cable channel space, institutional networks and public education and government programming; and

WHEREAS, over the past several weeks members of the Town of Carmel Cable Advisory Committee have filed comments opposing the proposed FCC rules; and

WHEREAS, comments of the FNPRM and reply comments are due on December 14, 2018; and

WHEREAS, the Town of Carmel believes it is important that the Town show its opposition to the FCC's proposed rules, and its support for the position taken by the Town of Carmel Cable Advisory Committee.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN OF CARMEL TOWN BOARD as follows:

Section 1. The Town Board hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. The Town Supervisor is hereby authorized to work with the Town of Carmel Cable Advisory Committee to prepare and submit reply comments to the FCC on the Town's behalf on the FCC's webpage supporting the Town of Carmel Cable Advisory Committee's comments and opposing the FCC's proposed rules in the matter described above.

Resolution

Offered by: Councilman Schneider

Seconded by: Councilwoman McDonough

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(Cont.)

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Michael Barile	<u>X</u>	<u> </u>
Jonathan Schneider	<u>X</u>	<u> </u>
John Lupinacci	<u>X</u>	<u> </u>
Suzanne McDonough	<u>X</u>	<u> </u>
Kenneth Schmitt	<u>X</u>	<u> </u>

Councilwoman McDonough thanked the members of the Town of Carmel's Cable Advisory Committee for being proactive and for bringing the issue to the attention of the Town Board. She indicated that should the proposed rules be enacted by the FCC, among other considerations, the Town stands to lose \$810,000.00 in revenue, the broadcast of government meetings as well as educational public access programming.

ADJOURNMENT

All agenda items having been addressed, on motion by Councilwoman McDonough, seconded by Councilman Schneider, with all members present and in agreement, the meeting was adjourned at 7:30 p.m. to the scheduled Work Session.

Respectfully submitted,

Ann Spofford, Town Clerk