

**CHESHIRE, MERIDEN, SOUTHWINGTON CABLE ADVISORY COUNCIL
MINUTES OF MARCH 16, 2016
COX COMMUNICATIONS IN CHESHIRE**

Members Present: Rosalie Fountain, Adam Grippo, Henry Chase, Karen Roesler, Andy Jay, and Beth Hosmer

Members Absent: Dave Cooley, Mike Solimine, and Susan Moore

Cox Cable: None

Others Present: Kathy Doherty, Recording Secretary

Chairman Rosalie Fountain called the meeting to order at 6:36 P.M. and read the charge of the Council.

SECRETARY'S REPORT – Kathy Doherty

Kathy called the roll and there was not a quorum in attendance as Beth had not yet arrived. Kathy did speak with the Town Clerk in Southington again and the Town Clerk said that she had talked to the Town Manager's secretary who said that she was going to put it on the Agenda. Kathy told her that this was ridiculous, this Council has meetings that we do not have quorums because of Southington. She said that she would transfer me down to the Town Manager's office. She then came back on the line and said that they were busy and could not talk to me right now. I told her that there were many meetings that we have no quorums because of Southington. All the other Towns have enough members so that we can have enough to have a quorum but we only have one member from Southington and if she is not in attendance, we have no quorum.

Karen stated that Scott Hanley was on this Council years ago, and he is from Southington. He would probably give Cox a hard time; he is very, very knowledgeable as he has been doing municipal access in Wallingford for close to 30 years. She actually called him and asked him and if they had the same issues with Comcast with regards to the Advisory Council not having enough members and not having any authority to do anything.

Scott said it is different there because Comcast uses their extra money there to promote the public access. They provide equipment to every Town in the Comcast area so that they each can do their own public access, whereas Cox has their facility here where subscribers can utilize it if they want, but they have to come here.

In the past, this Council has provided equipment to the High Schools from the stipends we received.

Karen stated that Scott may be interested in getting involved on the Council again.

Rosalie said that if Karen would give her his phone number she would be happy to give him a call. He would have to be officially appointed by Southington.

Kathy stated that she did let the Southington Town Clerk know that they were causing this Council a lot of problems and that it was unfair to the other members on this Council who show up. We only have one member from Southington, we are short three members.

Beth just arrived and we now have a quorum. Beth apologized for being late, her GPS was not cooperating with her.

Kathy also told them that the Council also changed their by-laws to read that as long as one person from each Town was in attendance we would have a quorum. But this put's it all on Beth's shoulders and that is not fair to her because if she does not show up, there is no quorum. This is totally not acceptable from Southington.

MOTION: To accept the minutes from February 17, 2016 meeting.

Moved by Adam Grippo, seconded by Andy Jay, motion was passed unanimously by the Council members present.

TREASURER'S REPORT – MIKE SOLIMINE

Mike was not in attendance. Rosalie had spoken with him and he was going to email her some information but she still had not received it, so we have no report.

Andy said he is sure we have money. Rosalie says that Peter submits the stipend in January but by the time they got around to it this year it came directly to her it was May or June. Peter was telling her that one Town never even got theirs until November.

COMMUNICATIONS FROM THE PUBLIC

None.

COMMUNICATIONS BY MAIL

None.

CHAIRMAN'S REPORT – ROSALIE FOUNTAIN

Rosalie stated that Peter had planned to attend this meeting but he had to go to a Town Council budget meeting. Peter and Rosalie had a long discussion on several issues.

1. They discussed the six meeting issue. Enfield has only two meetings per year and has the ability to call a meeting if something of importance comes up for discussion and this is OK with the State. He has checked with them and they said it is OK. So we discussed our present six meetings. They agreed that we should only have three meetings per year: March, May and September. When we notify the Towns of meeting dates, we will state that: March, May and September will be our meeting dates. November, January and June will be listed as alternative meeting dates. So if something drastic comes up, or there is a big issue, or there is going to be a big change in the pricing or something like that, then we will call a meeting.

Rosalie does not feel that the Council has anything that is so demanding that we should meet every two months. But we should have the option if we need to meet on alternative dates. Sometimes our meetings are only ½ hour long. Members are not only coming from Cheshire but from Southington and Meriden and sometimes there are only two or three of us sitting here. So this is what we are going to do but we will not start this until September.

We already have a meeting scheduled in May but this will require a change in the by-laws.

Rosalie stated that we are listing six meetings, but three of them are alternative dates. We are still listing them.

Andy said we could do the other meetings by Skype. Kathy pointed out we had already checked that out and discovered that was not acceptable legally.

The by-laws read that the meetings shall be held six times a year on the third Wednesday of the month in January, March, May, September, October, and November at 6:30 P.M. at the Cox Communications Studio unless other designated by the chair. This is on page 5 of the by-laws.

Andy stated that we could amend the by-laws at the May meeting, it is always well attended. The word "shall" is usually taken as a "will", so you have to change it or do it.

Rosalie stated that Enfield meets twice a year and that they have cleared it with the State. Peter said that he talked to two people from the State and they said it is fine.

Andy said that is probably what their by-laws state. Andy asked if there is anything that we can reference from the State so that we can amend the by-laws? If there is a State entity that says it is OK, there must be an email or motion that says it is OK. Either we are OK or Enfield is in violation.

Kathy stated that before when we asked Peter he said that we were required by the State to have the six meetings. So what has changed?

Rosalie said that Peter spoke with the attorneys. She said if we don't have a quorum we don't have a meeting and if we have bad weather we don't have to re-schedule it. So then it is not six meetings.

Adam said if you didn't have a quorum it doesn't mean you didn't have a meeting. It just means you can't conduct business but you can have a meeting.

Andy says you have to schedule six meetings.

Adam says we just need something, a statute, a memorandum in an email, just something from the attorneys that we can have on file showing that we are in compliance with the statutes.

Andy stated that we have asked the question now, for what purpose do we even have a Cable Advisory Board now anyway? Peter never comes. Who are we advising?

Rosalie stated that Peter is only required to attend two meetings.

Beth asked if Peter is only required to attend two then why do we have to have six?

Kathy stated that they had asked that same question before and were told that they were required to have the six meetings by State Statutes, but that Cox was only required to attend two meetings. So the point is, how has that changed now?

Does Enfield have a letter from the State authorizing them to only have two meetings or are they just doing it?

Rosalie said that Enfield has ten Towns in its Advisory Council and it was just too difficult to get everybody together.

That may be true, but that still doesn't make it right. They may not be doing it and getting away with it, but in actuality they may not be in compliance with the State statutes.

Rosalie said she thought so but that she would double check with Peter.

Andy said while you get letters from people, you could also get letters saying I came to your supposed meeting and there was nobody there.

Rosalie said it would be posted and that anytime we get a letter that is really nasty, we can call a meeting because we have the three alternative dates. But really, what serious things do we have?

Adam stated that this particular Committee is mandated by State Statute so whatever State Statute says is what we have to abide by. If there is an exception given, then all we need to do is reference that and we can change it.

If we get something in writing then we can make the by-law changes at the May meeting. The next meeting would then be in September and the next meeting after that would be in March, six months later. The meetings would be held in March, May and September.

Karen asked if we file a report with the Department of Public Utility Control for the year? Under State Statute 16-333, page 30.

2. Rosalie stated that the next thing that her and Peter discussed was the IRS and they decided that it was so late in the year to provide the IRS with a statement of wages and that they will not pursue it this year. She was never aware that they should have issued a 1099. In all the years she was Chairman, this has not come up nor did we ever issue one.

The Council gets \$2,000 a year. Kathy submits a bill and she breaks it down into reimbursable expenses and secretarial fees. She reports her secretarial fees on her income taxes every year but she has never received a 1099.

Kathy noted that if you drop the meetings down to three meetings a year this will probably be mute because she probably won't be making \$600 a year anymore.

It was noted that currently the Council does not even have a tax ID number so they will have to get one.

Kathy has been working for this Council for thirty years and the IRS has never had a problem with her not having a 1099 for this extra income. It has never been questioned and it has been reported every year.

3. Rosalie had received a notification of video pricing changes issued on February 3rd. This was for limited basic. She passed it around for everyone to look at.

OLD BUSINESS

Henry asked where you could find the information about the Cable Advisory Council on the bill. It is on the back side of the bill. It is very small and people have to look very hard to find it to mail us their bills.

Henry thinks that they should list what the function of the Council is, not just the contact information.

Rosalie stated that she will talk to Peter about that as well.

Review of the State Statutes:

Andy says that is says that the Council exists by definition and if somebody doesn't attend 50% of the meetings they can be asked to leave. It doesn't say when the meetings have to be.

If you only have two meetings and 50% is unexcused – you don't show up once – you are out. Or you are asked to change.

Henry stated that our Treasurer has not shown up for several meetings. Kathy stated that he has been notifying us that he will not be able to attend so they are excused absences. As long as you get an excused absence, it is fine.

Karen said that she has not had a Treasurer's Report since she has been here.

Rosalie did think that was the case.

Section 16-333-29 of the Regulations of the Connecticut State Agencies requires, at a minimum, bi-monthly Regular Council Meetings.

And, Section 16-333-30 of the Regulations of the Connections State Agencies requires that such Councils submit an annual report to the State Utilities Regulatory Authority. Questionable: First of August or December 31st?

Section 16-333-29 is where the six meetings a year came from. So all we need is something showing that that has been amended or contradicted somewhere.

Kathy stated that the Chairman used to submit the annual reports but she is not sure at what point they stopped. She is not sure that anybody really cares.

NEW BUSINESS

Rosalie needs a Chairman for the Nominating Committee. If anyone would like to take over as Chairman of the Council, please inform the nominating committee. Anyone is welcome to take over the Chairmanship.

Andy said he was the Chairman of the Nominating Committee one time, it was a thankless task.

Kathy pointed out that the Nominating Chairman needs to find a Secretary too because there isn't one now. The Secretary reads the roll call, Kathy does the minutes.

Karen said that she would be the Secretary. Adam agreed to be the Nominating Chairman.

If you would be interested in any position, just email Adam.

Surveys: Henry said that he has never seen a Cox survey. He said that he had heard that there was one but he has never ran into one.

Kathy said that years ago they were done over the phone. They were long surveys.

Adam stated that he had heard that there had been a problem with the Public Access saying that they were only able to broadcast live, that they were not able to re-broadcast. Adam asked if this has been resolved.

This was a problem on the government channel last month. There have been some important Council Meetings and some important P & Z meetings that have not been rerun, they have only been seen live.

Henry says that says there is something wrong with their equipment that is causing the problem. They record it on a hard drive at the Town Hall. They set the schedule about when it is going to be seen. The problem is at Town Hall.

Dave (Cox) said they have nothing to do with it.

NEXT MEETING

The next meeting will be held on Wednesday, May 18, 2016 at 6:00 P.M. at The Watch Factory Restaurant, in Cheshire. Rosalie stated that this will be a cash bar. Peter used to pick up the bar, but she is not sure how much we have in our account.

REMINDER

Rosalie has requested that anyone who is unable to attend the meetings, that they please contact either Kathy or herself.

ADJOURNMENT

MOTION: To adjourn the meeting.

Moved by Adam Grippo, seconded by Andy Jay, motion was passed unanimously by the Council members present.

The meeting was adjourned at 7:30 P.M.

Respectfully submitted,

Kathy Doherty

Kathy Doherty
Recording Secretary