



1905

# **Council**

# **Minutes**

**02 Feb 16**

**Regular Meeting**

**Matamoras Borough Council Minutes**  
**Meeting of 02 Feb 16**

1 The regular meeting of the Matamoras Borough Council was called to order at 1930 hrs., Tuesday, 02  
2 Feb 16 by President Sain followed by a salute to the flag.

3  
4 Roll call was taken. Present were Joe Sain, Pete Sigreto, Dee Losee, Kevin Rose, Mark Madsen, Thomas  
5 Greiner, David Clark. Also present were Sgt. David Zegarski, Secretary/Zoning Officer Bob Fitch,  
6 Treasurer Greg Myer, Jane Drake Tax Collector, EMA Coordinator Gary Babb and Solicitor Eric Hamill.  
7 Absent were Fire Chief Thomas Long, Recreation President Al Holtzer. Mayor Janet Clark and Assistant  
8 Chief Stewart were excused. There were approximately 18 members of the general public present.

9  
10 **Motion** to approve the minutes as presented by Rose/Sigreto; carried without dissent

11  
12 **Motion** by Clark/Rose to accept the Treasurer's report as presented; carried without dissent.

13  
14 **Motion** by Rose/Sigreto that the bills are accepted and, when approved by the Finance Committee,  
15 orders are drawn on the Borough Treasurer for the same; carried

16  
17 **Motion** by Madsen/Rose to amend the Agenda, Carried without dissent

18  
19 **Motion** by Madsen/Clark to appoint Eric Hamill Borough Solicitor, carried without dissent.

20  
21 **PUBLIC COMMENT:** The following citizens offered comments:

22  
23 **Lynn Homer** – 501 Avenue L – Invited everyone to the Republican Committee Sock Hop on  
24 Saturday 05 Mar 15 at 1800 hrs. being held at Erie Trackside, cost \$35.00/person. Proceeds  
25 benefit the scholarship fund. Lynn also presented a request from Pike Autism Aware to place  
26 blue ribbons and bows on the trees and street lamps on Pennsylvania Avenue for Autism  
27 Awareness Month in April.

28  
29 **REPORTS**

30  
31 **Mayor** –No Report

32  
33 **Junior Councilwomen** – No Report

34  
35 **General Government** – Update on negotiations with CableVision for franchise update. CableVision  
36 has decided to play hardball. They told our counsel that they would not agree to update the franchise  
37 agreement but would offer us a one time \$30,000 grant for technology and agree to look at service  
38 issues. Our counsel presented four options for the Borough moving forward:

- 39  
40 1. Accept the 30k and approve the transfer  
41 2. Pass a resolution to deny the transfer unless CableVision agrees to negotiate in good faith for a  
42 franchise update.  
43 3. Repeal the Borough's current Cable Ordinance  
44 4. Execute both options 2 & 3, this was their recommendation going forward.

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1 **Fire Department Chair** – Chairmen Losee presented the following requests from the fire department:  
2

- 3 1. A checkbook ledger style report monthly from the Treasurer on FD expenditures
  - 4 2. Completion by the Borough of necessary paperwork to access surplus government property.
  - 5 3. A status report on the progress of passing an ordinance to allow the FD to bill a property  
6 owner’s insurance for tools/equipment lost or damaged as a result of fighting a fire on the  
7 property.
  - 8 4. The following building issues
    - 9 a. The overhead doors not functioning properly
    - 10 b. An issue with the septic system for the Firehouse
    - 11 c. A leak in the flat roof over the bingo door.
- 12  
13

14 **Public Works and Facilities Chair** – Mr. Greiner reported on trash collected and other tasks  
15 accomplished. Reported that Mike Ey will adjust the overhead doors at the firehouse so they function  
16 properly. Complete report on file.

17 **Finance Committee Chair** – Nothing to report

18 **EPRPD** – Sgt. Zegarski reviewed crime statistics, full report on file. the public.

19 **Fire** – Assist. Chief Babb reviewed the monthly activities, full report on file.

20 **Emergency Management** – Gary Babb reported the emergency generator for Hope Church and the  
21 Water Authority are moving forward.

22 **Road Task Force** – Mr. Greiner reported the I-84 project from mile marker 48 to the NYS line is  
23 complete. They will be paving under the new I-84 bridge on Rt’s 6 & 209 in the spring. No updates on  
24 the start of the five-year plan to rehab Rt’s 6 & 209 from Milford to the state line.

25 **Recreation Advisory Board** – Jane Drake reported the board would like the Borough to hire a park  
26 supervisor for Airport Park to oversee the splash pad, concessions and a six-week summer activity  
27 program.

28 **CORRESPONDENCE** – President Sain forwarded Mr. Schroeder’s letter of interest to serve on the  
29 planning commission to General Government for action. Mr. Sain reported the Borough has received a  
30 \$243,000 grant from Pennsylvania Department of Natural Resources to improve handicap access at  
31 Airport Park. Thanks to collaboration the Delaware Valley School District and the changes they will  
32 be making to Avenue S as a part of the new school the Borough will not no out of pocket expenses for  
33 the project. Joe Sain also commended and thanked Bob Fitch for his hard work and diligence in  
34 securing the grant.

35 **UNFINISHED BUSINESS:**

- 36 1. Mr. Madsen asked if the Verizon were active at the Firehouse. Yes they went live on 19 Jan 16.

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1  
2 **NEW BUSINESS:**  
3

- 4 1. Mr. Greiner reported that Milford Borough had directed the trash truck to return to the alleys to  
5 pick up trash. During past practice of this policy, the truck sustained considerable damages due  
6 to the narrow width of the alleys. The current agreement with Milford, requires a 70/30 split on  
7 all truck expenses with Matamoras share at 70%. The contract included a clause allowing for  
8 adjustment after the first year, this was never don. Mr. Greiner is working with the new Streets  
9 Chair Rob Zaruba to update the agreement.  
10
- 11 2. **Motion** by Clark/Madsen to approve the Secretary Job Description. There was a discussion were  
12 Mr. Losee questioned some of the wording and requested clarification on its meaning prior to  
13 his vote. Motion carried 6/1 with Losee dissenting.  
14
- 15 3. **Motion** – by Sigreto/Rose to approve the Heart of Matamoras request for special events in the  
16 Borough with the exception of the Christmas Caroling as that does not require approval, it was  
17 sent as an invitation for council to attend. Passed without dissent.  
18
- 19 4. **Motion** – by Rose/Sigreto to authorize the secretary to advertise the position of Park Supervisor  
20 with a salary or \$3,500. Passed without dissent.  
21
- 22 5. **Motion** – by Rose/Losee to approve the Crop Walk on Sunday 16 Oct 16 from 1200 – 1530.  
23
- 24 6. **Motion** by Rose/Sigreto to approve Pike Autism Awareness to place blue ribbons on the lamp  
25 posts and trees on Pennsylvania Avenue. Passed without dissent.  
26
- 27 7. Mr. Greiner reported on the snow plowing and the need to have a back up drivers list.  
28
- 29 8. Mr. Madsen reported on the P.O. System and the purchase of Right Signature software. Mr.  
30 Rodriguez has signing authority for \$500 on a single P.O. He reviewed the procedure to  
31 authorize the secretary's overtime. Mr. Rodriguez for up to eight hours for each employee.  
32 Mark also reviewed the new requirements for child abuse clearances for volutneers and  
33 employees. More information on that next month.  
34
- 35 9. **Motion** by Rose/Clark to authorize the secretary to advertise a public hearing at 1845 hrs. on 1  
36 Mar 16 to discuss repeal for Borough Ordinance Chapter 126A, Cable Television Franchise. A  
37 debate/discussion followed on the reasons for this and its merits. The motion passed without  
38 dissent. Following discussion on another topic Mr. Losee requested it be placed in the minutes  
39 he wished to change his vote to no.  
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41  
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45

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1 10. **Motion** by Madsen/Clark to approve the Resolution 2016-02 intent of Matamoras Borough to  
2 denial transfer of ownership of CableVision to Altice for the reasons listed in the resolution.  
3 Passed 6-1 with Losee dissenting.  
4

**RESOLUTION NO. 2016-02**

**INTENT TO DENY TRANSFER OF CONTROL OF THE BOROUGH'S CABLE  
FRANCHISE FROM CABLEVISION SYSTEMS CORPORATION, CABLEVISION OF  
WARWICK, LLC TO ALTICE N.V. AND NEPTUNE MERGER SUB CORP.**

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10  
11 **WHEREAS**, Cablevision of Warwick, LLC ("Cablevision") holds a cable franchise  
12 ("Franchise") from the Borough by virtue of a Cable Television Franchise Ordinance  
13 adopted April 20, 1965 ("Ordinance"); and  
14

15 **WHEREAS**, Cablevision Systems Corporation ("CSC"), the parent of Cablevision, has  
16 entered into an Agreement and Plan of Merger with Altice N.V. ("Altice"), pursuant to  
17 which Neptune Merger Sub Corp. ("Neptune"), a subsidiary of Altice, will merge with  
18 CSC; and  
19

20 **WHEREAS**, Cablevision has requested that the Borough approve a transfer of control of  
21 the Franchise by virtue of a Federal Communications Commission ("FCC") Form 394  
22 application submitted to the Borough on or about October 31, 2015; and  
23

24 **WHEREAS**, the Borough, through its attorneys, has attempted in good faith to  
25 commence franchise renewal negotiations with Cablevision due to the fact that the  
26 Ordinance, which is 50 years old, is now obsolete, invalid, defective and illegal  
27 pursuant to federal and state law and regulations; and  
28

29 **WHEREAS**, Cablevision advised the Borough, through its attorneys, that it would not  
30 agree to franchise renewal negotiations despite the fact that the Ordinance is now  
31 obsolete, invalid, defective and illegal; and  
32

33 **WHEREAS**, Cablevision has further failed to comply with several legal obligations  
34 contained in the Ordinance.  
35

36 **NOW THEREFORE BE IT RESOLVED BY THE BOROUGH COUNCIL OF THE**  
37 **BOROUGH OF MATAMORAS AS FOLLOWS:**  
38

39 **SECTION 1: Intent to Deny Transfer of Control**  
40

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1           That unless Cablevision and Altice agree in good faith to negotiate a cable  
2 franchise renewal agreement with the Borough, the Borough Council hereby intends to  
3 deny the transfer of control of the Borough's Franchise due to the failure of Cablevision  
4 to agree to negotiate franchise renewal and further due to the failure of Cablevision to  
5 comply with its obligations in the Ordinance. Such denial would occur within the 120-  
6 day review period of the FCC Form 394 prescribed by federal law.  
7

8  
9           **SECTION 2: Effective Date**

10  
11           This Resolution shall become effective immediately.

12  
13           **Motion** was made by Rose/Sigreto to adjourn. There being no dissent, the meeting was adjourned at  
14 2052 hrs.

15  
16           Respectfully submitted,

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18           

19  
20           **Robert J. Fitch**

21           Secretary