

MINUTES OF THE SPECIAL MEETING OF THE TOWN BOARD OF THE TOWN OF THURMAN, NY HELD JULY 23, 2018 AT THE TOWN HALL, 311 ATHOL ROAD, ATHOL, NEW YORK, COMMENCING AT 6:30 PM....

PRESENT: Mrs. Brenda Ackley, Councilwoman
Mrs. Joan Harris, Councilwoman
Mr. Douglas Needham, Councilman
Mrs. Gail Seaman, Councilwoman
Mrs. Cynthia Hyde, Supervisor

RECORDING SECRETARY: Susan E. Staples

The meeting was called to order at **6:30 pm.**

PLEDGE OF ALLEGIANCE TO THE FLAG

ROLL CALL

Supervisor Hyde stated that on July 18th she had gotten an email from **James Carlson** of **Carlson Wireless**. She noted that the company was from California, and that they did all of the hardware for Whitespace and it said the following: We are transferring from the original data base manager to another as **Spectrum Bridge** is shutting down. We will work to minimize the disruption, but may need your cooperation in getting access to all of the base stations. Please confirm and let us know how to get access to you. **Supervisor Hyde** then noted that the Whitespace radios are required to query a FCC approved TV Whitespace data base every 24 hours. If they do not get a response they will stop transmitting per FCC regulations. According to **Carlson Wireless** Thurman's TV Whitespace radios must be reprogrammed to access a different TV Whitespace data base because the one used up until now **Spectrum Bridge** is shutting down and going out of business. So they need to reprogram the radios so that they will talk to the new data base management system. In order to do that they need a VPN tunnel built. It has something to do with firewalls she noted.

RESOLUTIONS:

Resolution # 90

On a motion introduced by **Councilwoman Ackley** and seconded by **Councilman Needham**

RESOLUTION TO APPROVE VPN ACCESS

WHEREAS White Space radios are required to query an FCC approved TV white space data base every 24 hours and

WHEREAS if they do not get a response they will stop transmitting, per FCC regulations and

WHEREAS according to Carlson Wireless Technologies, Thurman's TV whitespace radios must be reprogrammed to access a different TV white space data base because the one used up until now, Spectrum Bridge, is shutting down and going out of business and

WHEREAS in order to reprogram the radios Carlson needs VPN access and

WHEREAS Fred Englemann can provide VPN access now be it RESOLVED that the town board of the Town of Thurman authorizes Fred Englemann to provide VPN access to Carlson Wireless at no cost to the town

Discussion: Supervisor Hyde noted that **Carlson Wireless** was going to pay **Fred Englemann** to do this so we don't have to pay him anything. **Councilwoman Seaman** stated that she had some serious concerns for the fact that this updating of this access which basically takes five minutes to give a VPN access, and the fact that **Carlson** is going to be doing it for nothing at this date and do it through VPN access. A how long is the VPN access for **Carlson** going to be open and what safeguards do we have as to when it gets closed. 1 because it is a private network that we own, and 2 why in this does it not mention anything about getting all the people up and running that are not running at this particular moment in time because if I am correct three poles are down. So how are those IP addresses going to be updated if they are not working **Councilwoman Seaman** noted? **Supervisor Hyde** stated these aren't updates. Yup it is replied **Councilwoman Seaman** it's

changing to a new system it's considered an update. **Supervisor Hyde** replied they are reprogramming radios. **Councilwoman Seaman** then asked OK so if you don't have the radios up and running how are you going to reprogram them?

Supervisor Hyde replied that we are not talking about anything except the VPN tunnel. If you had these questions why didn't you bring them up in an email to me she asked. I did replied **Councilwoman Seaman** I did, I did, several, several, but you ignored them. **Supervisor Hyde** noted that this was the resolution as I understand it that we need tonight. It doesn't matter if the poles aren't working inquired **Councilwoman Seaman**. **Supervisor Hyde** noted that she was not a technician and that she did not have access in any way to Whitespace. Yes, you do the town has access **Councilwoman Seaman** noted. She then asked the Supervisor how she had contacted **Carlson** last year for the antennas. **Supervisor Hyde** noted that she had not contacted **Carlson** last year. **Councilwoman Seaman** asked who did. **Supervisor Hyde** noted that they did not buy antennas, they bought a radio, and that they did not purchase this from Carlson. She then noted that **July 18th** was the first time that she was in contact with **Jim Carlson**.

Councilwoman Seaman then asked if the Supervisor was aware about FCC regulations state that the owner of the system has to be in contact and continually updated. I'm not the owner of Whitespace **Supervisor Hyde** responded. **Councilwoman Seaman** noted that she wanted something in there to protect the people who don't have Whitespace right now, and that the poles are down. **Supervisor Hyde** noted that the people who don't have Whitespace don't have Whitespace because we do not have an operator to fix what's wrong. Take responsibility for your actions, and don't try to pan them off on me she replied to **Councilwoman Seaman**. **Councilwoman Seaman** then stated Resolution # 72 on a motion introduced by Councilwoman Seaman and seconded by Councilwoman Ackley. Resolution to direct the current Whitespace operator to make sure all upgrades to the system are current. This was passed in June I believe on the 11th, I could be off on that. Resolution Be it resolved that the Supervisor is to have the current Whitespace operator to make sure that all upgrades to the system are current. Upgrades that are free from manufacturer, and to make sure that it is working properly and to correct the problems with people for whom it is not working. The operator should also submit an itemized bill to the Town of Thurman explaining what he has done, and the corrections he has made for payment. Motion carried by 3 Ayes~ Ackley, Needham, and Seaman, Nays~0,

Hyde abstained. **Supervisor Hyde** then asked **Councilwoman Seaman** to read the very beginning of that again. She stopped her, noted that it said current Whitespace operator, and we did not have a Whitespace operator. Fred has VPN access **Councilwoman Seaman** noted. He has VPN access right now. That is how he is going to build VPN access for Carlson. She wanted it added to the resolution that the current Whitespace people that are not being serviced need to be up and running. **Supervisor Hyde** noted that that was not the subject of this resolution. Also that it was not the fault of Carlson, Fred or the Supervisor that those systems were not up and running. It is the decision made by the people on this end (pointing to Ackley, Needham, and Seaman) that have made this happen. We don't have an operator, we don't have revenue coming in. We don't even have enough revenue coming in to pay our bills anymore so I don't know how you plan on finding money to buy new radios. This resolution is what we need. We don't need to add a bunch of stuff that Mr. Carlson has no control over, or no interest in doing at this moment. What we need right now is this, and this only she continued. **Mr. Carlson** doesn't need this at all responded **Councilwoman Seaman**. **Councilwoman Harris** noted that **Carlson** hired **Fred Englemann**, and we had no control over that. We can't tell them who to hire. She noted that this resolution was giving permission to access the poles. **Councilwoman Seaman** asked **Councilwoman Harris** did you know that **Carlson** was going to do that update with me at the pole? The VPN **Councilwoman Harris** noted that that wasn't true. It was **Councilwoman Seaman** noted oh it was until Cynthia told them not to speak to me. **Supervisor Hyde** read a portion of a letter from **Carlson** that read that the system is properly protected with a firewall, and asking Fred to set us up with a VPN through the firewall is a normal IT administration task. She noted that they were asking him to set something up, and that since he was the designer he would be the person who would know how to do that. She then noted that this has nothing to do with fixing peoples Whitespace. Why can't we make this encompassing that **Councilwoman Seaman** asked? **Supervisor Hyde** noted that she had another resolution to go out to bid for an operator. **Councilwoman Seaman** then commented that you haven't bothered to abide by any resolutions so why bother going out again. **Supervisor Hyde** noted just because a resolution is passed doesn't mean is legal.

Councilwoman Seaman stated you can't prove they aren't legal. **Supervisor Hyde** stated if the three Board Members pass a resolution directing **Joan and Cynthia** to jump off the Brooklyn Bridge do you think we are going to do it. **Councilwoman Seaman** responded you probably would. **Supervisor Hyde** noted that you can say whatever you want, but if it isn't within the law then it means nothing.

Councilwoman Seaman stated prove that anything that we have passed is not within the law. Give me any proof. **Supervisor Hyde** noted that unfortunately your resolutions are not often proved. After asking if there was any more discussion or questions from **Councilwoman Ackley and Councilman Needham** or if they could call the vote. **Councilwoman Seaman** wanted to add that you can't **update** a system that is down. That is not what this resolution is about **Supervisor Hyde** said. She continued this is not to fix Whitespace for people who don't have it right now. We have to get an operator to do that. **Councilwoman Seaman** asked how are you going to update the poles if the poles are not working. And that's what this is giving him technology to do because they have the IP address on the poles. **Supervisor Hyde** stated that Carlson is not offering to fix what is broken at the moment. Ah, so we're not going to fix the system **Councilwoman Seaman** responded. **Councilwoman Harris** responded noting we are not saying that. **Councilwoman Seaman** responded that's what you just said. **Councilwoman Harris** noted that at the moment he has not. **Councilwoman Seaman** noted I just want to be clear that you are not going to fix the system so that nobody that does not have access right now will have access. **Councilwoman Harris** responded no, that is not true. **Supervisor Hyde** noted that if we do not do this that the people who do have Whitespace will no longer have Whitespace then we will have zero revenue. At least we have 15 subscribers paying for Whitespace. So at least some money is coming in so that we can pay the \$950.00 a month that we owe Frontier, and all the fiber pole electric bills. So I don't think we want to mess with the ones who do have their Whitespace. **Councilwoman Seaman** then noted you have not worried about it up until now. For the last five months that we have asked. **Supervisor Hyde** then noted is that all you can think about **Gail** is accuse and blame. Why don't you just get with the program. You are a Board Member you are here to make a decision on something that we need to do. **Councilwoman Seaman** noted that I said I wanted to include the people who were not working yet. **Supervisor Hyde** noted that we are not going to do that, and if that's all you have to say we will call the vote, it's as it stand. We are not putting a bunch of

stuff in there. So you refuse to add the people who are not working asked **Councilwoman Seaman**. **Supervisor Hyde** noted that Carlson isn't even talking about. This is what he needs, this is what we are talking about. **Councilwoman Harris** noted that if you vote no this falls right back on you because if they can't do this they can't get it fixed, and if you say no that's what happens.

A Roll Call Vote Was Called

Motion Carried: Ayes~4 Ackley, Harris, Needham, Hyde, Nays~1Seaman

Resolution # 91

On a motion introduced by **Councilwoman Ackley** and seconded by **Councilwoman Harris**

Discussion: Supervisor Hyde noted that this resolution that she had presented the first time it went out for proposal because it has the information in it that somebody would need to think about doing it. So I would like to try to go out to bid again. **Councilwoman Seaman** than asked on this resolution does it have any and all are subject to that the town reserves the right to. Is it on the resolution that any and all bids received are at the discretion of the Town Board and we reserve the right to reject any and all bids. **Supervisor Hyde** responded yes. **Councilwoman Seaman** responded fine I don't have any problem. As long as that is on the resolution. **Supervisor Hyde** then read a portion of the resolution that dealt with that. She then went on to ask about a date for the ad. **Councilwoman Harris** asked how long we had the ad out last time noting we got no responses. **Councilwoman Seaman** then stated well it was a one by one and a half. Is that the size you are going to put in this time she asked the **Clerk**. **Supervisor Hyde** then noted well that's up to the paper. The **Clerk** noted that's the exact ad you told me to put in last time. **Councilwoman Seaman** said no dear it isn't. I said to put out request for proposals. You choose the one the one and a half by one. The **Town Clerk** responded that I put down exactly what you told me. It's a legal ad, legal ads all look the same **Supervisor Hyde** noted. One half by one **Councilwoman Seaman** asked. **Supervisor Hyde** noted they all look the same. I was Town Clerk I put a million legal ads in they never asked the size. Never. That's a different kind of ad she noted. She asked about getting something by next meeting, and if we

don't we can go out to bid again right away. **Councilwoman Seaman** asked why. We actually went out to bid. We don't need to go to a bid process. We can find an operator on our own she noted. **Supervisor Hyde** responded no. Alright then you have to rescind the resolution from the Organizational Meeting that you guys passed saying that we had to go out to bid for professional services.

Councilwoman Seaman responded no we did our due diligence and went out for bid once. We got no results. We can then go to personal and try to get our own. Councilwoman **Harris** asked why you wouldn't want to go out to bid. **Supervisor Hyde** then noted that we didn't have any success not bidding either.

Councilwoman Seaman noted that if we can get somebody personally then we do not have to worry about going out to bid. **Supervisor Hyde** asked if they could do all these things (referring to the resolution). **Councilwoman Seaman** responded yeah, it doesn't take a rocket scientist to do those. **Supervisor Hyde** noted that it took an engineer to do it. **Councilwoman Seaman** replied no it does not take an engineer. As a matter of fact Fred said anyone can operate the system that knows anything about IT. **Supervisor Hyde** responded no it's not just somebody good with computers. It's engineering skills. Some of the stuff isn't so hard, but some of the stuff is very much engineering skills. **Councilwoman Seaman** stated do whatever you want you do anyway. **Councilwoman Harris and Supervisor Hyde** then discussed adding a date to the resolution noting the date of the next meeting, and that there was not much time in between now and then. Also that we had had it out once before with no response. **Councilwoman Seaman** noted that it could have been put on the Town's website, but was not. It was decided that August 8th at the close of business was the deadline for sealed proposals, and that they should be sent to the **Town Clerk** by 3:30.

A Roll Call Vote Was Called

Motion Carried: Ayes~5 Ackley, Harris, Needham, Seaman, Hyde, Nays~0

Supervisor Hyde noted that that was all she had on the agenda for tonight, and asked for a motion to adjourn. **Councilwoman Seaman** asked you don't have any intentions of doing anything for these people. **Supervisor Hyde** noted we do not have an operator. **Councilwoman Seaman** noted we don't have any intention of going and doing anything for these people who don't have service right now. Supervisor **Hyde** responded that's why we got this, that's why we are going out to

bid to try and get an operator. **Councilwoman Seaman** responded no that's a month from now Cynthia. We were supposed to have something taken care of for these people who don't have service right now. You know like a resolution that was passed last month. Resolution # 72 she noted. **Supervisor Hyde** noted that first we have to find out what is wrong, and that takes an operator doesn't it? **Councilwoman Seaman** stated no Cynthia it doesn't. That's what tech support is called. The ones you won't let me talk to anymore. What tech support are you talking about asked **Supervisor Hyde**. **Carlson Wireless** responded **Councilwoman Seaman**. What do you mean that I won't let you talk to someone asked **Supervisor Hyde**. **Councilwoman Seaman** responded that they told me that you said they are not to speak to me, and that you did that. No I didn't **Gail Supervisor Hyde** stated. **Councilwoman Seaman** responded yes you did. That you, and Fred and them were talking, and they were not going to give me information. I can't fix anything if you've locked me out. No **Gail**, replied **Supervisor Hyde** we have a whole string of resolutions proving that everything you are saying is not true. **Councilwoman Seaman** noted oh it is true, but the fact of the matter is. **Supervisor Hyde** stated so don't bring it up **Gail**. **Councilwoman Seaman** noted yes I will bring it up because there is a resolution that tells you to get these people service. Why aren't you doing it she asked. The resolution that asks me to get the current operator asked **Supervisor Hyde**. **Councilwoman Seaman** noted it directs you. **Supervisor Hyde** then stated that you can't direct me to fix Whitespace. **Councilwoman Seaman** stated yes you can. I can't fix it noted **Supervisor Hyde**. Tell me where you are going to get the money to buy radios she asked. **Councilwoman Seaman** then stated OK everybody this is exactly what I told you, you wouldn't get any Whitespace fixed. **Councilwoman Ackley** asked if we were finished.

ADJOURNMENT: A motion to adjourn was introduced by **Councilwoman Ackley** and seconded by **Councilwoman Harris**. The meeting was adjourned at 6:58pm.

Respectfully Submitted,

Susan E Staples, Town Clerk

August 21, 2018

