

TOWN OF CONSTANTIA
PUBLIC HEARING MINUTES - TOWN BOARD –March 19, 2013
7:00pm Constantia Town Hall

Present: Charles Gilkey – Supervisor
Richard Colesante, John Metzger, Thomas Moran – Council Members
Clare Haynes – Town Clerk
Absent: Frank Tomaino - Council Member

CALL TO ORDER:

At 7:00pm Mr. Gilkey called the Public Hearing of the Constantia Town Board to order with the pledge of allegiance.

PUBLIC HEARING:

This public hearing is to grant a cable television franchise agreement by and between the Town of Constantia and Time Warner Cable. Mr. Bader has reviewed the franchise agreement, it is a standard renewal.

This agreement is a non-exclusive agreement, at any time the Grantor reserves the right to grant additional franchises for cable television system in accordance with state and federal law. If Verizon Fios wanted to come in they would have to franchise also.

Mr. Young, Dakin Road - asked if the town has any input about rate increases. No, rate increases are across the board, we pay what other towns pay. A letter can be written to the Public Service Commission, they are the ones who grant rate increases.

This franchise agreement is for fifteen (15) years, Mr. Metzger asked if this was the minimum amount of time for this type of agreement. Mr. Gilkey responded that Mr. Bader said this is a normal agreement.

In the matter of the Granting of a Cable Television Franchise Held by **Time Warner Cable Northeast LLC** in the **Town of Constantia, County of Oswego, New York**

RESOLUTION

COUNCILMAN: **COLESANTE**

Introduced the following and moved its adoption:

RESOLVED, that:

An application has been duly made to the Board of the **Town of Constantia, County of Oswego**, New York, by **Time Warner Cable Northeast LLC** ("**Time Warner Cable**"), a limited liability company organized and existing in good standing under the laws of State of Delaware ("Grantee") doing business at 120 Plaza Drive, Suite D, Vestal, New York 13850 for the approval of an initial agreement for Time Warner Cable's cable television franchise for fifteen (15) years commencing with the date of approval by the Public Service Commission. The Franchise Renewal Agreement would bring the franchise into conformity with certain provisions of the Federal Cable Communications Policy Act of 1984, as amended, and certain court rulings.

A public hearing was held in the Town of Constantia, New York on March 19, 2013 at 7 P.M. and notice of the hearing was published in the Citizen Outlet on March 8, 2013.

NOW, THEREFORE, the Board of the **Town of Constantia** finds that:

1. Time Warner Cable has substantially complied with the material terms and conditions of its existing franchise and with applicable law; and
2. Time Warner Cable has the financial, legal and technical ability to provide these services, facilities and equipment as set forth in its proposal attached; and
3. Time Warner Cable can reasonable meet the future cable-related community needs and interests, taking into account the cost of meeting such needs and interests.

BE IT FURTHER RESOLVED that the Board of the **Town of Constantia** hereby grants the cable television franchise of Time Warner Cable in the **Town of Constantia** for fifteen (15) years commencing with the date of approval by the Public Service Commission and expiring fifteen (15) years hence.

BE IT FURTHER RESOLVED that the Board of the **Town of Constantia** hereby confirms acceptance of this Franchise Renewal Agreement.

Seconded by Councilman: **METZGER**

Aye: **MORAN, COLESANTE, METZGER, GILKEY**

Nay:

Absent: **TOMAINO**

Mr. Colesante made the motion to authorized Supervisor Gilkey to sign the Franchise Agreement to Provide Cable Television Services Between the Town of Constantia and Time Warner Cable Northeast LLC d/b/a Time Warner Cable, seconded by Mr. Moran.

Carried: Moran - Yes Colesante - Yes Metzger - Yes Gilkey - Yes

ADJOURN:

At 7:25pm Mr. Colesante made the motion to close the Public Hearing, seconded by Mr. Metzger.

Carried: Moran - Yes Colesante - Yes Metzger - Yes Gilkey - Yes