

**TOWN BOARD
TOWN OF OSSINING
JOSEPH G. CAPUTO COMMUNITY CENTER
95 BROADWAY – OSSINING, NEW YORK**

**SPECIAL MEETING
DECEMBER 18, 2007
7:30 P.M.**

SUPERVISOR

John Chervokas

COUNCILMEMBERS

Geoffrey Harter	Northern Wilcher
David Krieger	Martha Dodge

I. CALL TO ORDER

A Special Meeting of the Town Board of the Town of Ossining was held on December 18, 2007 in the Joseph G. Caputo Community Center, 95 Broadway, Ossining, New York. The meeting was called to order at 7:36 p.m. by Supervisor John Chervokas. Members of the Board present were: Geoffrey Harter, David Krieger, Northern Wilcher and Martha Dodge. Also present were: Thomas Beirne, Town Attorney and Constance Alfini, Deputy Town Clerk.

II. BOARD RESOLUTION

A. VERIZON CABLE FRANCHISE AGREEMENT

Councilmember Krieger moved and it was seconded by Councilmember Wilcher that the following resolution be approved:

WHEREAS, the Town of Ossining (the “Town”) is a franchising authority in accordance with Title VI of the Communications Act of 1934 (the “Communications Act”), and is authorized to grant one or more cable television franchises pursuant to Article 11 of the New York State Public Service Law, and Title 16, Chapter VIII, Parts 890.6 through 899, of the Official Compilation of Codes, Rules and Regulations of the State of New York (the “Cable Laws”); and

WHEREAS, Verizon New York, Inc. (“Verizon”) is upgrading its existing telecommunications and information services network through the installation of what Verizon refers to as “Fiber to the Premises Telecommunication Network (the “FTTP Network”) within the Town and elsewhere, which existing network transmits Non-Cable Services (as defined in the Verizon Franchise Agreement) pursuant to the authority granted by Section 27 of the New York Transportation Corporations Law, and Title II of the Telecommunications Act, which Non-Cable Services are not subject to the Cable Law or to Title VI of the Communications Act; and

WHEREAS, the FTTP Network occupies public rights-of-way (as defined in the Verizon Franchise Agreement) within the Town, and Verizon desires to use portions of the FTTP Network now or hereinafter installed within the Town to provide cable service (as defined in the Verizon Franchise Agreement); and

WHEREAS, Verizon submitted a written application for a cable television franchise to the Town on November 19, 2007 (the “Verizon Application”); and

WHEREAS, due negotiations between the authorized representatives of the consortium comprised of the Towns of New Castle and Ossining, and the Villages of Ossining, Sleepy Hollow, and Briarcliff Manor) and Verizon have resulted in a proposed agreement entitled “Cable Franchise Agreement between the Town of

Ossining, New York and Verizon New York Inc.” (“Verizon Franchise Agreement”); and

WHEREAS, on December 6, 2007, at a joint meeting of the Town and Village of Ossining (“Village”) Boards, a public hearing, pursuant to notice, was held on the Verizon Application and the Verizon Franchise Agreement at which Verizon made a presentation to the Boards in favor of the Verizon Franchise Agreement, including an outline of the cable television services proposed to be provided to the Town and Village pursuant thereto, and members of the Town and Village Boards and the public were given notice and opportunity to comment on Verizon’s presentations and ask questions to be addressed by Verizon’s representatives; and

WHEREAS, the Town has identified the cable-related needs and Interests of the residents of the Town and has exercised due diligence in considering the technical ability, financial conditions, character and legal qualifications of Verizon to meet such needs and interests; Now, Therefore Be It

RESOLVED, that the Town Board of the Town of Ossining finds that it approves the character of Verizon; and be it further

RESOLVED, that the Town Board finds that Verizon is legally (pursuant to NY Public Service Commission Rules and other statutory requirements), technically, and financially and otherwise qualified to meet the cable-related needs and interests of the Town and that Verizon will meet all statutory and regulatory non-discrimination requirements; and be it further

RESOLVED, that the Town Board finds, based on the presentation by Verizon, that the cable service offered by Verizon will include competitive offerings with its existing competition; and be it further

RESOLVED, that the Town Board determines that it serves the public interest to award Verizon a franchise to own, construct, operate and maintain a cable system along the public rights-of-way within the Town, in order to provide cable service; and be it further

RESOLVED, that the Town Board authorizes the award of a non-exclusive franchise to Verizon to own, construct, operate and maintain a cable system along the public rights-of-way within the Town of Ossining, in order to provide cable service, which authorization is made in accordance with the applicable provisions of Title VI of the Communications Act and the Cable Laws; and be it further

RESOLVED, that the Town Board of the Town of Ossining authorizes the Supervisor to enter into a Franchise Agreement with Verizon, and to execute any other documents necessary to effectuate the granting of the franchise on behalf of the Town of Ossining.

Mr. Scott Parr, Consulting Representative for Verizon, indicated that there were three minor changes within the Franchise Agreement. 1) 1.13 Franchise Area: Change incorporated to unincorporated area; 2) Exhibit D (Peg Access Interconnection and Origination Points) to be reinserted; and 3) PEG Grant - Second Installment to be payable on the third (3rd) anniversary and Third Installment to be payable on seventh (7th) anniversary.

Councilmember Krieger moved to approve the resolution with the above proposed changes to the Cable Franchise Agreement and it was seconded by Councilmember Wilcher.

Vote: 5 – 0

Motion Carried: Unanimously

III. ADJOURNMENT

At 7:51 p.m., Councilmember Dodge moved and it was seconded by Councilmember Krieger that the meeting be adjourned.

Motion Carried: Unanimously

Constance Alfini, Deputy Clerk

Approved: