

MINUTES OF A PUBLIC HEARING OF THE BOARD OF TRUSTEES OF THE VILLAGE OF
MAMARONECK HELD ON MONDAY, FEBRUARY 25, 2008 AT 7:30 P.M. IN THE COURTROOM AT
VILLAGE HALL, MAMARONECK, NEW YORK

PRESENT:	Mayor	Kathleen Savolt
	Trustees	Thomas A. Murphy Toni Pergola Ryan John M. Hofstetter Randi Robinowitz
	Village Manager	Leonard M. Verrastro
	Village Attorney	Janet Insardi
	Police Chief	Edward Flynn
	Clerk-Treasurer	Agostino A. Fusco
ABSENT:		None

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that a public hearing will be held by the Board of Trustees of the Village of Mamaroneck on the 25th day of February, 2008 at 7:30 p.m., or as soon thereafter as all parties can be heard, at the municipal building located at 169 Mount Pleasant Avenue, Mamaroneck, New York, to afford all interested parties the opportunity to be heard concerning the renewal of Cablevision of Southern Westchester Inc.'s franchise in the Village of Mamaroneck.

PLEASE TAKE FURTHER NOTICE that a copy of proposed franchise renewal agreement is available for review at the Clerk-Treasurer Office at 123 Mamaroneck Avenue in the Village of Mamaroneck.

PLEASE TAKE FURTHER NOTICE that at said public hearing, all persons interested will be given an opportunity to be heard.

BY ORDER OF THE BOARD OF TRUSTEES OF
THE VILLAGE OF MAMARONECK, NEW YORK

Agostino A. Fusco
Clerk-Treasurer

Dated: February 18, 2008

On motion by Trustee Murphy, seconded by Trustee Ryan:

RESOLVED that the Public Hearing on Proposed Franchise Renewal Agreement with Cablevision of Southern Westchester is hereby open for discussion.

Ayes: Robinowitz, Hofstetter, Ryan, Murphy, Savolt
Nays: None

Mr. Jim Millstein, Trustee of the Village of Larchmont appeared as Chair of the Larchmont-Mamaroneck Cable Board of Control to give an overview of the Agreement. The three committee members, Village of Mamaroneck Trustee Tom Murphy, Town of Mamaroneck Trustee David Fishman and he, along

with Village Manager Leonard Verrastro have been negotiating this agreement with Cablevision. Trustee Millstein stated that the agreement with Cablevision is a clone of the agreement all three municipalities (Villages of Larchmont and Mamaroneck and Town of Mamaroneck) entered into in December with Verizon. There are changes that reflect their different legal status, but as far as the substantive parts of the contract, these are identical. The first economic piece of the agreement is the franchise fee of 5% of annual revenues of basic cable services. These go to support LMC-TV, to cover their operating expenses. The second piece of the economics of this agreement is the PEG Grants. This supports the capital needs of LMC-TV. Cablevision has agreed to match Verizon's PEG Grant, which is \$1,110,000 payable over 15 years; \$200,000 payable within 60 days of the signing and then \$65,000 per year over the remaining 14 years. By allowing Verizon to offer cable television to the three communities, we have doubled the PEG Grant received every year by \$65,000. The third economic piece of the agreement is that each Cablevision and Verizon are allowed, under state law, to offset part of their franchise fees against their property taxes for equipment located in rights of way. Verizon agreed that they would waive this offset if Cablevision does. Cablevision also agreed to waive the offset of property taxes.

LMC-TV now broadcasts from six locations. Each of those studios feeds to a central location at the Town Center and then broadcasts out to subscribers. As this system was built by TCI, the predecessor to Cablevision, Verizon has agreed to provide new lines wiring half of those locations and Cablevision will maintain the other three locations.

Trustee Millstein informed the Board that the Village of Larchmont and Town of Mamaroneck have approved the agreement and he heartily recommends that the Village of Mamaroneck do the same.

Mr. Robert Hoch, Director of Government Affairs for Cablevision of Westchester and Rockland Counties appeared before the Board. Mr. Hoch complimented the Cable Control Board for negotiating the deals and he stated that Cablevision looks forward to their continued relationship with the three municipalities. Mr. Hoch reminded the Board that Cablevision provides thirty-eight free cable drops to schools and libraries within the municipalities, which Verizon is matching. The timely approval of the agreement assures a fixed source of income with the PEG Grant, from both Cablevision and Verizon. Mr. Hoch also assured the Board that Cablevision will continue to provide links from all six broadcast locations until the time that Verizon begins service to their three, assuring no gap in service. Mr. Hoch respectfully requested the Board approve the agreement.

On motion of Trustee Murphy, seconded by Trustee Ryan:

RESOLVED that the Public Hearing on the Cable Franchise Application and Proposed Franchise Agreement with Cablevision of Southern Westchester, Inc. is hereby closed.

Ayes: Robinowitz, Hofstetter, Ryan, Murphy, Savolt

Nays: None

Village Manager Verrastro had one change to the Resolution in the last paragraph, Mayor should be changed to Village Manager.

On motion of Trustee Murphy, seconded by Trustee Hofstetter:

WHEREAS, the Village of Mamaroneck (the “Village”) 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 nonexclusive cable television franchises pursuant to Article 11 of the New York Public Service Law, as amended, and Title 16, Chapter VIII, Parts 890.06 through 899, of the Official Compilation of Codes, Rules and Regulations of the State of new York, as amended (collectively the “Cable Laws”);

WHEREAS, the Village is a member of the tri-municipal cable television Board of Control (the “Board of Control”) as created in the CATV agreement executed on the 3rd day of December 1980 (the “Members”);

WHEREAS, the Members, including the Village, jointly executed a franchise renewal agreement with UA-Columbia Cablevision of Westchester, Inc. d/b/a TCI Cable of Westchester (“TCI”) on September 25, 1996; and

WHEREAS, Cablevision of Southern Westchester, Inc. (“Franchisee”) , or its predecessor, with the approval of both the Village and the New York State Public Service Commission (the “Commission”), acquired certain assets from TCI including the cable system and franchise in the Village on March 4, 1998; and,

WHEREAS, Franchisee has submitted a proposed Franchise Renewal Agreement to operate a cable system within the Village; and

WHEREAS, The Village and Franchisee have mutually agreed to the terms of a Franchise Renewal Agreement; and

WHEREAS, the Village and the Franchisee have fully resolved any and all disputes over Franchisee’s compliance with certain terms of its existing franchise and applicable Federal, State and local laws during the term of its existing franchise (it being understood that nothing herein shall be deemed an admission of liability by Franchisee), and the Village has determined that Franchisee is and has been in substantial compliance with all other terms/provisions of its existing franchise and applicable law; and

WHEREAS, the Village has determined that Franchisee has the requisite legal, technical and financial capabilities to operate a cable system within the Village and that Franchisee’s proposal for renewal of the franchise meets the cable related needs of the Community; and

WHEREAS, a duly noticed Pubic hearing, affording an opportunity for all those interested parties within the Village to be heard, was held before the Village on February 25, 2008.

NOW, THEREFORE, be it

RESOLVED, that the Board of Trustees of the Village of Mamaroneck (the “Board of Trustees”) determines that it is in the best interest of the public to award a Franchise Renewal Agreement to the Franchisee; and be it

FURTHER RESOLVED that the Board of Trustees concludes that, although the terms of the proposed Franchise Renewal Agreement between the Village and the Franchisee are not identical to those of the Village's Franchise Agreement with Verizon NY, Inc., the terms of both agreements in their totality are reasonably comparable to each other, and neither agreement contains any economic or regulatory burdens which, when taken as a whole, are greater or lesser than those burdens placed upon the party to the other agreement or any other cable television franchisee operating in the same franchise area; therefore, neither agreement provides either franchisee with any unfair competitive advantage, or subjects either franchisee to any unfair competitive disadvantage, and thus the agreements are competitively neutral; and be it

FURTHER RESOLVED that the Board of trustees hereby authorizes the Village Manager to enter into a Franchise Renewal Agreement with Cablevision of Southern Westchester, Inc., and to execute any other documents necessary to effectuate the granting of the franchise renewal on behalf of the Village of Mamaroneck.

Ayes: Robinowitz, Hofstetter, Ryan, Murphy, Savolt

Nays: None

RESPECTFULLY SUBMITTED BY:

AGOSTINO A. FUSCO, CLERK-TREASURER