

PUBLIC HEARING

December 12, 2018

At 8:28 p.m. Supervisor Schiliro stated that Public Hearings would be held in accordance with the Public Notices that follow:

PLEASE TAKE NOTICE that the Supervisor and the Town Board of the Town of North Castle will hold a public hearing at Town Hall, 15 Bedford Road, Armonk, New York on December 12, 2018 at 7:30 P.M. to afford all interested parties the opportunity to be heard concerning the renewal of Cablevision Systems Westchester Corporation's franchise in the Town of North Castle. A copy of the proposed franchise renewal agreement is available for review in the Town Clerk's Office at 15 Bedford Road, Armonk, New York.

All interested parties are urged to attend this hearing, at which time they will be given an opportunity to express their opinion for or against the above proposed Renewal of Cablevision Systems Westchester Corporation's franchise in the Town of North Castle.

BY THE ORDER OF THE SUPERVISOR
AND THE TOWN BOARD OF
THE TOWN OF NORTH CASTLE, NEW YORK
ALISON SIMON, TOWN CLERK

Dated: November 30, 2018
Armonk, NY

PLEASE TAKE NOTICE that the Supervisor and the Town Board of the Town of North Castle will hold a public hearing at Town Hall, 15 Bedford Road, Armonk, New York, on December 12, 2018, 2018 at 7:30 P.M. to afford all interested parties the opportunity to be heard concerning the renewal of Cablevision of Southern Westchester, Inc.'s franchise in the Town of North Castle. A copy of the proposed franchise renewal agreement is available for review in the Town Clerk's Office at 15 Bedford Road, Armonk, New York.

All interested parties are urged to attend this hearing, at which time they will be given an opportunity to express their opinion for or against the above proposed Renewal of Cablevision of Southern Westchester, Inc.'s franchise in the Town of North Castle.

BY THE ORDER OF THE SUPERVISOR
AND THE TOWN BOARD OF
THE TOWN OF NORTH CASTLE, NEW YORK
ALISON SIMON, TOWN CLERK

Dated: November 30, 2018
Armonk, NY

The Public Notices were marked Exhibit "A" for the record.

The Affidavits of Posting calling the Public Hearings was marked Exhibit "B" for the record.

The Affidavits of Publication from The Journal News calling the Public Hearings was marked Exhibit "C" for the record.

The Town Clerk noted that there was a Franchise Agreement with Cablevision Systems Westchester Corporation and a Franchise Agreement with Cablevision of Southern Westchester, Inc. for consideration.

The Town Clerk noted that there was a Resolution for consideration for adoption.

Town Clerk Simon also acknowledged the help provided by the Communications Franchise Task Force members Andy Block, Allen Blum, Bob Klein, Steve Russell and Michael Frank; Councilman Stephen D'Angelo; and Town Attorney Roland Baroni.

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John Dullaghan, Director of Government Affairs, Altice USA, the parent company of the Cablevision Systems Westchester Corporation and the Cablevision of Southern Westchester, Inc. subsidiaries, was present at the hearing. Ms. Simon acknowledged the help provided by Mr. Dullaghan regarding the renewal of the Franchise Agreements, as well as with cable service matters.

Town Clerk Simon provided the following information regarding the renewal of the Franchise Agreements with Cablevision Systems Westchester Corporation and with Cablevision of Southern Westchester, Inc.:

- The terms of the Agreements are ten years.
- The Town will receive a PEG (Public, Educational, and Governmental) Grant in a total amount of \$55,200 payable in three installments.
 - First installment in amount of \$30,000 is payable within 60 days after the Effective Date.
 - Second installment in amount of \$15,000 is payable within 30 days after the first anniversary of the Effective Date.
 - Third and final installment in amount of \$10,200 is payable within thirty days after the second anniversary of the Effective Date.
- A new Interconnection Site will be installed at Whippoorwill Hall, North Castle Public Library, 19 Whippoorwill Road East, Armonk within 270 days of written request by the Town which will enable the Town to broadcast live from this location.
- Altice will help repair the Interconnection Site in the North White Plains Community Center, North White Plains Library, 10 Clove Road, North White Plains which will enable the Town to broadcast live from this location.
- The Town will receive Franchise Fees of five percent (5%) of annual Gross Revenue.

In response to a query from Interim Town Administrator Patti Dwyer regarding whether the entire Town has the option for cable service service, Town Clerk Simon said that service is provided at the discretion of the cable companies, and there are certain addresses within the Town that are not serviced.

Supervisor Schiliro thanked the Communications Franchise Task Force members, all of whom are volunteers, for their time and work with negotiating the Franchise Agreements.

No other correspondence or comments were entered for the record.

After all persons were heard who desired to be heard, Councilman DiGiacinto moved, seconded by Councilman Reiter, that the Public Hearings be closed at 8:34 p.m.

The roll call vote was as follows:

Ayes: Councilmen D'Angelo, DiGiacinto, Reiter, Berra, Supervisor Schiliro

Noes: None

Councilman D'Angelo moved, seconded by Councilman DiGiacinto, to approve the Agreements with Cablevision Systems Westchester Corporation and Cablevision of Southern Westchester, Inc. to operate the cable system.

The roll call vote was as follows:

Ayes: Councilmen D'Angelo, DiGiacinto, Reiter, Berra, Supervisor Schiliro

Noes: None

Councilman D'Angelo moved, seconded by Councilman Reiter, the adoption of the Resolution authorizing the Supervisor to enter into Franchise Renewal Agreements with Cablevision Systems Westchester Corporation and Cablevision of Southern Westchester, Inc., and to execute any other documents necessary to effectuate the granting of the Franchise Renewal Agreements on behalf of the Town of North Castle. The Resolution follows at the end of these minutes

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The roll call vote was as follows:

Ayes: Councilmen D'Angelo, DiGiacinto, Reiter, Berra, Supervisor Schiliro

Noes: None

Alison Simon, Town Clerk

Dated: January 9, 2019

RESOLUTION AUTHORIZING THE TOWN OF NORTH CASTLE TO RENEW CABLE FRANCHISE AGREEMENTS WITH CABLEVISION SYSTEMS WESTCHESTER CORPORATION AND CABLEVISION OF SOUTHERN WESTCHESTER, INC. TO OPERATE A CABLE SYSTEM IN THE TOWN OF NORTH CASTLE

WHEREAS, The Town of North Castle (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 nonexclusive cable television franchises pursuant to Article 11 of the New York Public Service Law, as amended, and Title 16, Chapter VIII, Parts 890.60 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 Town, executed franchise renewal agreements with Cablevision Systems Westchester Corporation and Cablevision of Southern Westchester, Inc., both subsidiaries of Cablevision Systems Corporation (collectively the "Franchisees") which were executed on June 10, 2008 and thereafter confirmed and made effective by the New York State Public Service Commission ("Commission") on December 5, 2008 for a term of ten (10) years (Case Nos. 08-V-0994 and 08-V-0995), which will expire on December 5, 2018, and

WHEREAS, Franchisees have submitted proposed Franchise Renewal Agreements to continue operating a cable system within the Town, with Cablevision Systems Westchester Corporation servicing the area north of the Kensico Reservoir; and Cablevision of Southern Westchester, Inc. servicing the areas south of Kensico Reservoir known as the hamlet of North White Plains and the Quarry Heights neighborhood.

WHEREAS, The Town and Franchisees have mutually agreed to the terms of Franchise Renewal Agreements; and

WHEREAS, the Town has determined that Franchisees have the requisite legal, technical and financial capabilities to operate a cable system within the Town and that Franchisees' proposals for renewal of the franchises meet the cable related needs of the community; and

WHEREAS, a duly noticed Public Hearing, affording an opportunity for all those interested parties within the Town to be heard on the proposed Franchise Renewal Agreements were held before the Town on December 12, 2018.

NOW, THEREFORE, be it

RESOLVED, that the Town Board determines that it is in the best interest of the public to award Franchise Renewal Agreements to the Franchisees; and be it

FURTHER RESOLVED that the Town Board hereby authorizes the Supervisor to enter into Franchise Renewal Agreements with Cablevision Systems Westchester Corporation and Cablevision of Southern Westchester, Inc., and to execute any other documents necessary to effectuate the granting of the Franchise renewal Agreements on behalf of the Town of North Castle.

Dated: December 12, 2018