



David J. Whalen

Director of Franchising  
Northeast Region

January 21, 2016

Hon. Kathleen H. Burgess, Secretary  
NYS Public Service Commission  
Three Empire State Plaza  
Albany, NY 12223-1350

RE: Dissolution of the Village of Prospect into the Town of Trenton

Dear Secretary Burgess:

Attached are documents from the Village and Town regarding this dissolution, effective December 31, 2015.

Village of Prospect Case Number 14-V-0040  
Town of Trenton Case Number 10-V-0096

We hereby request make this submission so the Secretary's file are current. Thank you.

Respectfully,

A handwritten signature in black ink, appearing to read "David J. Whalen".

David J. Whalen  
Director, Government Relations  
Northeast Region

DJW/e  
Attachment

# TOWN OF TRENTON

JOSEPH E. SMITH, Supervisor  
STANLEY K. HARRIS, Town Clerk  
J. PATRICK VAN BUSKIRK, Town Justice  
DON C. CANNON, Town Justice  
ARTHUR HUGHES, Highway Superintendent

PO Box 206  
Barneveld, NY 13304-0206  
Phone (315) 896-2664  
TDD Dial 711  
FAX (315) 896-4045  
trenton@town.trenton.ny.us

STEPHEN A. GODFREY, Councilman  
BRUCE KELLOGG, Councilman  
BETSY BEIL MACK, Councilwoman  
DAN SHANLEY, II, Councilman

STATE OF NEW YORK )  
COUNTY OF ONEIDA ) SS:  
TOWN OF TRENTON )

I, Stanley K. Harris, Town Clerk of the Town of Trenton,

**DO HEREBY CERTIFY** that the following resolution was adopted at a Special Meeting of the Town Board held on December 3<sup>rd</sup>, 2015, during which a quorum was always present. Said resolution is incorporated in the original minutes of that meeting and that said resolution has not been altered, amended or revoked and is in full force and effect.

## A RESOLUTION ACCEPTING THE ASSUMPTION OF THE TIME WARNER CABLE CUSTOMERS OF THE VILLAGE OF PROSPECT

**WHEREAS**, the Village of Prospect, hereafter referred to as "the Village", did on July 21<sup>st</sup>, 2015 hold a referendum to determine if the Village should dissolve and said referendum was approved by a majority of the electors thereof; and

**WHEREAS**, said dissolution shall become effective December 31<sup>st</sup>, 2015; and

**WHEREAS**, the Village did maintained a Franchise Agreement with Time Warner Cable to provide services for the benefit of their residents; and

**WHEREAS**, said Franchise Agreement with the Village will also terminate upon the dissolution of the Village.

**NOW THEREFORE, BE IT RESOLVED**, by the Trenton Town Board, that based on the foregoing and after due deliberation, that the residents of the Village of Prospect covered under the former Franchise Agreement with the Time Warner Cable, shall be assumed into and made a part of the existing Town of Trenton Franchise Agreement with the Time Warner Cable, which is currently in full force and effect until the year 2019.

The above resolution was put to a vote and upon roll call the vote was as follows:

		<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
Joseph E. Smith	Supervisor	X		
Stephen A. Godfrey	Councilman	X		
Bruce Kellogg	Councilman	X		
Betsy Beil Mack	Councilman	X		
Dan Shanley, II	Councilman	X		

Upon the above vote, the resolution was declared adopted.

Dated: Barneveld, New York  
December 3<sup>rd</sup>, 2015

IN TESTIMONY HEREOF, I have hereto set my hand and affixed the seal of the said Town of Trenton this 10<sup>th</sup> day of December, 2015.



*Betsy X. Hawk*  
Town Clerk

State of New York }  
County of Oneida } ss:

I, Jessica Butera,  
being sworn, says she is, and during the time hereinafter mentioned, was Legal Advertising Representative of the DAILY SENTINEL, a newspaper printed and published in the County of Oneida, aforesaid; and that the annexed printed Notice was inserted and published in said Newspaper once/ commencing

on the 29th day of April, 20 15

to wit: April 29th, May 6th

May 6th, 20 15

Jessica Butera  
Sworn to before me this 6th day of May, 20 15  
Chris H. Siriano Notary Public

CHRIS H. SIRIANO  
Notary Public, State of New York  
No. 01816195043  
Qualified in Oneida County  
My Commission Expires Nov 17, 2016

**LEGAL NOTICE  
VILLAGE OF PROSPECT  
PUBLIC HEARING  
ON PROPOSED  
DISSOLUTION PLAN  
MONDAY, MAY 18, 2015 -  
7:00 pm  
AT THE BETHEL  
BAPTIST CHURCH  
215 CHURCH ST.  
PROSPECT NY 13425**

The Village of Prospect will hold a PUBLIC HEARING on Monday, May 18, 2015, 7:00 pm, at the Bethel Baptist Church, 215 Church Street, Prospect, NY. The purpose of the hearing is to hear comments on the proposed Dissolution Plan. As required by NYS law, the Village Board has endorsed the plan for the purpose of holding a Public Hearing. After the hearing, the Village Board may vote to hold a referendum on the existing plan or an amended plan, or it may choose to end the process without a referendum.

The Dissolution Plan recommends that Prospect dissolve into the Town of Trenton, effective at the end of 2015; that special districts be created by the Town to provide street lighting and water, with boundaries that encompass existing users; that the Town create a special debt district, to include current Village real property, to repay the balance of Prospect's obligation to the Oneida County Self Insurance Plan. All real property still owned by the Village will become Town property at the time of dissolution. The Town will assume all staffing and maintenance responsibility now held by the Village. Prospect laws without analogues in Trenton law will remain in effect for two years following dissolution.

Copies of the detailed Dissolution Plan are available at the Prospect Municipal Building, the Prospect Free Library, the Post Office, and at [villageofprospect.org/links](http://villageofprospect.org/links) and [www.cgr.org/prospect/](http://www.cgr.org/prospect/).

Marcia Ellis  
Clerk- Treasurer  
4/29,5/6-261

MAYOR  
*Frances Righi*  
CLERK/TREASURER  
*Marcia Ellis*  
WATER SUPERINTENDENT  
*Alan C. Jones*

**Village of Prospect**  
P.O. Box 159  
Prospect, NY 13435  
(315) 896-9875  
Fax: (315) 896-9875  
Website: [villageofprospect.org](http://villageofprospect.org)  
TDD: 711

TRUSTEES  
*Kevin Piinkos*  
*Nicholas Delaware*  
*Wanda Poczatek*  
*Mary Zacek*



*What a Beautiful Prospect!*

July 29, 2015

To Whom It May Concern:

RE: Mandatory Referendum Results on Dissolution 7/21/2015

The following are the results.

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**MANDATORY REFERENDUM RESULTS  
ON DISSOLUTION  
JULY 21, 2015**

The mandatory referendum on whether or not to dissolve the Village of Prospect was held on July 21, 2015, at the Prospect Municipal Building at 116 Upper State Street.

98 Ballots were cast:

To Dissolve 91

Not to Dissolve 7

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If you have any questions or require further assistance, please call me at 315 896-9875.

Sincerely,

Marcia Ellis  
Clerk/Treasurer



Central NY

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# Amid Workers Compensation Claim, Prospect to Cease as Village

By Web Staff  
Wednesday, July 22, 2015 at 11:08 PM EDT



69° Clear

9PM	12PM	3PM	6PM	9PM
60°	82°	85°	84°	75°

Today 7-Day Interactive Radar  
Forecast Video Doppler Temps Traffic



By next year, you'll no longer find the village of Prospect on a map.

Prospect was incorporated 125 years ago, and was doing fine financially, until a village firefighter got injured and they had to pay workers compensation.

On Tuesday, 91 residents voted to dissolve the village, while seven voted against.

Village officials say they will now begin negotiations with Oneida County to resolve the workers compensation issue.

On December 31, Prospect will officially become a hamlet within the Town of Trenton.

### QUICK LINKS

[Watch Your Forecast](#)

VILLAGE OF PROSPECT  
PUBLIC HEARING ON FINAL DISSOLUTION PLAN  
SPECIAL MEETING  
MAY 18, 2015

The public hearing was called to order at 7:07pm. Present: Mayor Fran Righi; Trustees Kevin Pinkos, , and Mary Zacek, and Nick Delaware (Wanda Poczatek absent); CGR Consultant Kent Gardner; NCOGG representative Jennifer Armstrong; OC Legislator Phil Sacco; Town of Trenton Council member Steve Godfrey; Gene Davis; Joyce Williams; winery owner Nick Keblish; Trenton Fire Commissioner Geri Speich; former mayor Lyn Schnell; Mark Scheidelman; and residents Claudette Johnson, Don Fitzwilliams, Eileen Dubinsky, Barb Price, Doris and Stan Lighthall, Dave Rickard, Linda Parker, Robert Kirkland, Pat and Bob Robinson, Dick and Sue Owens, George Zacek, Walt and Sharon Pomichter, and Pat Pepe.

CGR Consultant Kent Gardner re-capped the proposed dissolution plan. The Dissolution Plan recommends that Prospect dissolve into the Town of Trenton, effective at the end of 2015; that special districts be created by the Town to provide street lighting and water, with boundaries that encompass existing users; that the Town create a special debt district, to include current Village real property, to repay the balance of Prospect's obligation to the Oneida County Self Insurance Plan. All real property still owned by the Village will become Town property at the time of dissolution. The Town will assume all staffing and maintenance responsibility now held by the Village. Prospect laws without analogues in Trenton law will remain in effect for two years following dissolution.

Kent also explained that the impetus for this study on Dissolution is the burden of payment on workers comp claims against the village. Payouts of \$385,000 have been made by workers comp on the village's behalf, with a medical claim from the 2008 continuing. The village has informed OC that it will withdraw from the Plan as of 01/01/2016. After the 2015 premium has been paid, OC has determined that the net amount spent by the Plan and not reimbursed by the village will be about \$335,000. Since one medical claim remains outstanding, OC has determined that the fair buyout of that claim to be about \$200,000, after which the village will have no liability for the outstanding claim. It is therefore assumed that about \$535,000 will be paid to the Plan over a 10-year period.

The village is actively seeking to sell its assets before the end of 2015 to pay down the outstanding debt and to lessen the burden on taxpayers. In response to several questions, the Mayor explained that the village is having the properties appraised and that by law, the Board is bound to obtain fair market value if possible. The Water system would remain (in its own special district) and rates are not expected to change. The Fire House and the Howard Thomas land can be sold as long as the value of the land is remitted to the scholarship fund. Since the Post Office is a federal agency, dissolution will have no impact on its operation.

Trustee Poczatek arrived at 7:40pm.

Trustee Zacek moved and Trustee Pinkos seconded the motion to adjourn the public hearing at 8:02pm; which was unanimously carried.

At 8:05pm the Special meeting was called to order. Present: Mayor Fran Righi, Trustees Mary Zacek, Nick Delaware, Wanda Poczatek, and Kevin Pinkos and several others identified above.

Mayor Righi presented the following resolution for approval by the Board:

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*Whereas, the Village of Prospect Board of Trustees held a public hearing on the Final Dissolution Plan, and*  
*Whereas, the Board of Trustees duly considered all public comments during the hearing, and so therefore*  
*Be it resolved that the Village of Prospect Board of Trustees does hereby accept the Final Dissolution Plan, and*  
*Be it resolved that the Village of Prospect Board of Trustees does hereby call for a mandatory referendum on the proposed dissolution by the village electorate. The referendum will:*

- *Be held at the Village of Prospect Municipal Building, 116 Upper State Street, Prospect, NY 13435, on Tuesday, July 21, 2015 from 12 Noon to 9pm;*
- *Permit Electors to vote on whether to dissolve or not. The term "Elector", according to General Municipal Law, shall mean a registered voter of this state registered to vote in the local government entity subject to consolidation or dissolution proceedings conducted pursuant to this article.*
- *Present for registered voters the question: "SHALL THE VILLAGE OF PROSPECT BE DISSOLVED? Please select either YES or NO."*

*If the registered voters vote to dissolve, the effective date of the Village's dissolution will be midnight, December 31, 2015, at which time all assets of the Village of Prospect become the Town of Trenton's and Prospect becomes a hamlet within said Town.*

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Trustee Poczatek moved and Trustee Pinkos seconded the motion to adopt the above resolution, which was unanimously carried.

Trustee Zacek moved and Trustee Delaware seconded the motion to adjourn the special meeting at 8:08pm; which was unanimously carried.

Respectfully Submitted,

*Marcia Ellis*

Marcia Ellis

Clerk-Treasurer

## Eckhardt, Susan

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**From:** Village of Prospect <prospect76@peoplepc.com>  
**Sent:** Friday, October 16, 2015 3:55 PM  
**To:** Eckhardt, Susan; supervisor@town.trenton.ny.us; mayor@villageofprospect.org  
**Cc:** Fran Righi; Kent Gardner; Karl Kessler; Kevin Pinkos; Mary; Spencer Gurley-Green; Wanda Poczatek  
**Subject:** Re: dissolution of Village into town  
**Attachments:** 05\_18\_2015\_HEARING\_MINUTES\_SPEC.doc; referendum\_results\_to\_whom.doc; REFERNDUM\_BALLOT DISSOL.doc; SYRNY1-#2567209-v1-Time\_Warner\_Letter\_to\_J\_Smith.DOCX

Hello Susan

Sorry for the delayed response.

Attached please find the ballot, the letter from the village to Joe SMith,, minutes wherein the resolution was passed, and the referendum results. I will fax the affidavits to you since they are not in electronic format.

-Marcia

**From:** [Eckhardt, Susan](#)  
**Sent:** Wednesday, October 07, 2015 2:07 PM  
**To:** [supervisor@town.trenton.ny.us](mailto:supervisor@town.trenton.ny.us) ; [mayor@villageofprospect.org](mailto:mayor@villageofprospect.org)  
**Subject:** RE: dissolution of Village into town

If either municipality has already done the procedures below, please just send me the documentation so I can have our internal records corrected.

Thank you!

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**From:** Eckhardt, Susan  
**Sent:** Wednesday, October 07, 2015 1:42 PM  
**To:** 'supervisor@town.trenton.ny.us'; 'mayor@villageofprospect.org'  
**Cc:** Eckhardt, Susan  
**Subject:** dissolution of Village into town

Hello.

We have been informed that the Village of Prospect will dissolve into the Town of Trenton at the end of this year.

Mayor Righi, in order to follow the rules of the NYS PSC, please hold a public hearing to dissolve the village into the town and send to me the resolution to move all the village's current customers into the Town of Trenton along with the newspaper legal notice and affidavit on this public hearing to dissolve.

Supervisor Smith, in order to follow the rules of the NYS PSC, please hold a public hearing to accept the current customers from the Village of Prospect, due to its dissolution, into the Town of Trenton and send the resolution accepting this to me along with the newspaper legal notice and affidavit on this public hearing to accept these customers.

Please send all documents to me and I will forward to the NYS PSC, and have our internal records updated accordingly.

Please confirm, and if you have any questions, please do not hesitate to contact me. My telephone number is noted below.

Thank you!

Susan

*Susan M. Eckhardt*  
Executive Assistant, Franchising  
NJ/NY/PA



120 Plaza Drive, Suite B  
Vestal, NY 13850

Phone: 607-584-0627  
Cell: 607-651-3879  
Fax: 607-644-1534

[Susan.eckhardt@twcable.com](mailto:Susan.eckhardt@twcable.com)  
[www.twcpolicypeople.com](http://www.twcpolicypeople.com)

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