

# **ATTACHMENT B**



**Town of Tonawanda**  
2919 Delaware Ave  
Kenmore, NY 14217  
Melissa Brinson, Town Clerk

Meeting: 05/19/08 07:30 PM  
Department: Attorney

RESOLUTION 2008-341

## **Motion: Either Grant/Deny/Refer Cable Television Franchise Agreement with Verizon New York Inc.**

- WHEREAS**, The Town of Tonawanda (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 cable television franchises pursuant to Article 11 of the New York State Public Service Law and Title 16, Chapter VIII, of the Official Compilation of Codes, Rules and Regulations of the State of New York (the "Cable Laws");
- WHEREAS**, VERIZON NEW YORK INC. ("Verizon") is upgrading its existing telecommunications and information services network pursuant to authority under Section 27 of the New York Transportation Corporations Law and Title II of the Communications Act, and Verizon desires to use its network to provide cable service in the Town;
- WHEREAS**, Verizon submitted a written application for a cable television franchise to the Town on May 6, 2008 (the "Verizon Application"), which the Town has reviewed;
- WHEREAS**, due negotiations between the Town and Verizon have resulted in a proposed "Cable Franchise Agreement between the Town of Tonawanda and Verizon New York Inc.," which proposed agreement was filed with the Town on May 6, 2008 ("Verizon Franchise Agreement"); and
- WHEREAS**, on May 19, 2008 at a regularly scheduled Town Board meeting, a public hearing was held on the proposed Verizon Franchise Agreement at which members of the Town Board, Verizon and the public were given notice and opportunity to comment;

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board finds that it approves the character of Verizon; and be it

**FURTHER RESOLVED**, that the Town Board finds that Verizon is legally, technically, and financially and otherwise qualified to meet the cable-related needs and interests of the Town and will meet all statutory and regulatory non-discrimination requirements; and be it

**FURTHER RESOLVED**, that the Town Board finds that although the terms of the proposed Verizon Franchise Agreement are not identical to those of the franchise agreement with the incumbent operator, the terms of both agreements contain no economic or regulatory burdens which when taken as a whole are greater or lesser than those burdens placed upon one another; 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 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 authorizes the Supervisor of the Town to enter into a franchise agreement with VERIZON NEW YORK INC., in a form approved by the Town Attorney, and to execute any other documents necessary to effectuate the granting of the franchise on behalf of the Town of Tonawanda.

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| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>                    |
| <b>MOVER:</b>    | Lisa Chimera, Councilwoman                    |
| <b>SECONDER:</b> | Daniel Crangle, Councilman                    |
| <b>AYES:</b>     | Caruana, Emminger, Crangle, Bargnesi, Chimera |

I do certify that I have compared the foregoing with the original minutes of the regular meeting of the Town Board held on May 19, 2008 and that the foregoing is a true and correct transcript from said original minutes and the whole thereof, and that the resolutions duly adopted by said Town Board are on file in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of the said Town of Tonawanda, Erie County, New York, this 20<sup>th</sup> day of May, 2008.

  
Dale A. Blipplu  
Deputy Town Clerk, Town of Tonawanda, NY