

A Town Board Meeting of the Town of Owasco was held on October 8, 2009 at 7:00 PM in the Owasco Town Hall with the following members present:

PRESENT:

Councilperson, Gino Alberici
Councilperson, Doug Buchanan
Councilperson, Arthur Richardson
Councilperson, Edward Wagner
Supervisor, John J. Klink

ABSENT:

OTHERS PRESENT: Tom Klink Terry Lattimore, Robert Westover, Laurel Auchampaugh and Rick Galbato Town Attorney.

CALL TO ORDER: 7:00 PM

PLEDGE OF ALLEGIANCE:

APPROVAL OF AGENDA:

Resolution 09- 171 approval of the Town Board Agenda for October 8, 2009.

Motion by Councilperson Alberici; Second Councilperson Richardson.

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| Roll call vote: | Councilperson Alberici <u>Yes</u> | Councilperson Buchanan <u>Yes</u> |
| | Councilperson Richardson <u>Yes</u> | Councilperson Wagner <u>Yes</u> |
| | Supervisor Klink <u>Yes</u> | |

APPROVAL OF MINUTES:

Resolution 09- 172 approval of the Town Board Minutes for October 1, 2009.

Motion by Councilperson Buchanan; Second Councilperson Richardson.

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| Roll call vote: | Councilperson Alberici <u>Yes</u> | Councilperson Buchanan <u>Yes</u> |
| | Councilperson Richardson <u>Yes</u> | Councilperson Wagner <u>Yes</u> |
| | Supervisor Klink <u>Yes</u> | |

PUBLIC PARTICIPATION:

PUBLIC HEARING: Opened at 7:02 PM

To enter in to a Cable Franchise Agreement between the Town of Owasco and Verizon New York, Inc.

In attendance representing Verizon New York, Inc.: Mac Kerbey, Tom Owens and Jeremy J. Schofer Attorney at Law.

Resolution 09-173 to end the Public Hearing at 7:19 PM

Motion by Councilperson Wagner; Second Councilperson Alberici.

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| Roll call vote: | Councilperson Alberici <u>Yes</u> | Councilperson Buchanan <u>Yes</u> |
| | Councilperson Richardson <u>Yes</u> | Councilperson Wagner <u>Yes</u> |
| | Supervisor Klink <u>Yes</u> | |

Resolution 09-174 RESOLUTION OF THE TOWN BOARD OF THE TOWN OF OWASCO
AWARDING A CABLE TELEVISION FRANCHISE TO VERIZON NEW YORK INC. TO PROVIDE
CABLE SERVICE TO THE TOWN OF OWASCO AND APPROVING A CABLE FRANCHISE
AGREEMENT WITH VERIZON NEW YORK, INC.

On a motion made by Doug Buchanan and seconded by Ed Wagner, the following resolution was adopted by those Town Board members present:

WHEREAS, the Town of Owasco (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 September 16, 2009 (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 Owasco and Verizon New York Inc.,” which proposed agreement was filed with the Town on September 16, 2009 (“Verizon Franchise Agreement”); and

WHEREAS, on October 8, 2009 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 of Owasco 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 Owasco.

Motion by Councilperson Buchanan; Second Councilperson Wagner.

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| Roll call vote: | Councilperson Alberici <u>Abstain</u> | Councilperson Buchanan <u>Yes</u> |
| | Councilperson Richardson <u>Yes</u> | Councilperson Wagner <u>Yes</u> |
| | Supervisor Klink <u>Yes</u> | |

COMMUNICATIONS:

- Letter from Brian M. Kolb Assembly Minority Leader asking for the Town of Owasco support to pass a local resolution in support of a People’s Convention to Reform New York.
- Letter from NYSERDA concerning Customer Participation Agreement with the Task Work Order Plan.
- Letter from State of New York Department of Transportation thanking the Town for their resolution in support on the New York State Department of Transportation’s truck policy and proposed regulation.
- Agreement between the Town of Owasco and Underwater Solutions Inc. for the inspections and cleanings of the Martin Road 250,000-Gallon and the Melrose Road 500,000-Gallon welded steel water storage tanks.
- Email from George Kerstetter Jr. commending the Town Board for its leadership in bringing cable choice, and competition to the Town of Owasco by adding Verizon Franchise application under consideration.
- Letter from NYMIR that their will be a Risk Management/Safety Seminar on Wednesday October 21, 2009.

COMMITTEE REPORTS:

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| Supervisor’s monthly financial report | Zoning Board Chairman David Kalabanka | Planning Board Chairman Richard Knaul |
| Highway Superintendent, Public Works Superintendent Michael Wilson | Assessor Kim Gridley | Code Enforcement Officer Patrick Doyle |
| Town Historian Laurel Auchampaugh | Truck Traffic John Klink | Newsletter / Web Site Lonna Vrooman |
| Cayuga County Water Quality Management Agency and Owasco Lake Standing Committee Ed Wagner | Recycling Center Ed Wagner | Owasco Lake Watershed Inspection Committee John Klink |
| Councilperson Meeting Reports | Playground Committee Art Richardson | |

OLD BUSINESS:

NEW BUSINESS:

Resolution 09-175

Whereas, tough economic times and New York State’s tremendously high tax burden are causing families and businesses to struggle, while state government has been paralyzed by questions of gubernatorial succession, leadership fighting and political dysfunction; and

Whereas, our State Constitution was originally meant to be a vibrant, living and breathing document, reflective of the times in which we live that holds up to the political dynamic of the day; and

Whereas, our current state Constitution was adopted 115 years ago in 1894 and modified at a constitutional convention in 1938 and at various other times by legislative action; and

Whereas, our state, our nation and the world have changed dramatically in the past forty-two years as the information age has transformed communications, business and government in ways that could not even have been imagined when our state constitution was adopted; and

Whereas, recent events in state government involving gubernatorial succession, legislative stalemates and appointments to statewide elected offices have exposed flaws and weaknesses in our current constitution on these issues; and

Whereas, families and businesses have been forced to cut back, while New York State government continues to spend beyond its means and force unfunded mandates on already overburdened local governments and taxpayers; and

Whereas, in the face Of the most challenging economic environment since the Great Depression, the people of New York have little confidence that the state government, as currently structured, is responsive to their wants, needs, or principal concerns; and

Whereas, the people of New York have expressed their desire to hold a “People’s Convention” to reform state government, s evidenced by recent Quinnipiac University arid Siena College Research polls, showing more than 60 percent of voters supporting a People’s Convention to Reform New York; and

Whereas, the people must act now to thwart the dysfunction in Albany, and convene a People’s Convention to take New York State government back; and

Whereas, members of the state Legislature have introduced “The People’s Convention to Reform New York Act”, which grants the people the opportunity to hold a constitutional• convention, establishes a procedure for the non-partisan election of delegates, restricts political parties, campaign committees and special interests’ influence over delegates, and requires state or local elected officials and officers or party officials to vacate their post upon being elected delegate; and

Whereas, while the Constitution empowers the elected delegates to set the convention agenda for “The People’s Convention to Reform New York”, we ask that the delegates consider government reforms such as state spending cap and property tax cap, restrictions on unfunded mandates, debt reform, an absolute ban on backdoor borrowing, public authorities reform, a clear line of succession to the governorship and lieutenant governorship and elections to fill elected state office vacancies; and. now, therefore, be it

Resolved, that this Legislative Body pause in its deliberations to acknowledge the need for true state government reform and urge the immediate passage and chaptering of the “People’s Convention to Reform New York Act”, which will allow for the creation of a more accountable and responsive state government by the people to serve the people; and be it further

Resolved, that a copy of this Resolution, suitably engrossed, be transmitted to the Governor of the State of New York, the Temporary President of the New York State Senate, the Speaker of the New York State Assembly, and to the Minority Leaders of the Assembly and Senate.

Motion by Councilperson Wagner; Second Councilperson Alberici.

**Roll call vote: Councilperson Alberici Yes
Councilperson Richardson Yes
Supervisor Klink Yes**

**Councilperson Buchanan Yes
Councilperson Wagner Yes**

AUDIT AND PAYMENT OF CLAIMS:

Resolution 09-176 authorizing the audit and payment of the following claims:

General and Highway Funds, Special Districts, (Water and Sewer Districts), Capital Project and Reserve Fund claims, and ratifying the payment of the prepaid claims as authorized by resolution 09-017 adopted January 8, 2009, all in accordance with the attached abstract of claims.

ABSTRACT # 10. 2009 Vouchers 579 – 643 for a total of \$150,146.41

Motion by Councilperson Buchanan; Second Councilperson Alberici.

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| Roll call vote: | Councilperson Alberici <u>Yes</u> | Councilperson Buchanan <u>Yes</u> |
| | Councilperson Richardson <u>Yes</u> | Councilperson Wagner <u>Yes</u> |
| | Supervisor Klink <u>Yes</u> | |

Resolution 09-177 to call for a Public Hearing on November 12, 2009 at the Town of Owasco Town Hall 2 Bristol Avenue at 7:00 PM, on the 2010 Town of Owasco Budget.

Motion by Councilperson Richardson; Second Councilperson Alberici.

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| Roll call vote: | Councilperson Alberici <u>Yes</u> | Councilperson Buchanan <u>Yes</u> |
| | Councilperson Richardson <u>Yes</u> | Councilperson Wagner <u>Yes</u> |
| | Supervisor Klink <u>Yes</u> | |

ADJOURNMENT:

Resolution 09- 178 to adjourn the meeting:

Motion by Councilperson Buchanan; Second Councilperson Alberici.

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| Roll call vote: | Councilperson Alberici <u>Yes</u> | Councilperson Buchanan <u>Yes</u> |
| | Councilperson Richardson <u>Yes</u> | Councilperson Wagner <u>Yes</u> |
| | Supervisor Klink <u>Yes</u> | |

Meeting adjourned at 8:15 P.M.

Robert A. Shaw Town Clerk