

Bedford Hills, New York
November 24, 2009

A public hearing was held by the Town Board of the Town of Bedford on November 24, 2009 at the Town House, 321 Bedford Road, Bedford Hills, New York to consider a franchise agreement for cable television service with Verizon New York Inc. The hearing was called to order at 7:30 PM by Supervisor Roberts.

Present:	Lee V. A. Roberts	: Supervisor
	Peter Chryssos	: Councilman
	Francis Corcoran	: Councilman
	David Gabrielson	: Councilman
	Chris Burdick	: Councilman
	Lisbeth Fumagalli	: Town Clerk
	Whitney Singleton	: Special Counsel to the Town

And twenty (20) residents/observers.

Proof of publication was presented ordered and filed.

The Town Board acknowledged the receipt of five (5) emails in support of this application.

Mr. Singleton gave an overview of the proposal.

Mrs. Roberts advised that the purpose of this hearing was to receive input from the public. She noted that Town Board and the Communications Committee had been working on this for a year and a half in order to provide the residents with a second cable television provider. She pointed out that Verizon is not identical to Cablevision in the services that are offered. Verizon will be providing an educational connection at Fox Lane High School as Cablevision does now and conditionally, will provide a hook up to the Town House if Cablevision will do the same.

Mrs. Roberts opened the floor to public comment.

Several Town of Bedford residents expressed support for this proposal noting it would be beneficial for Cablevision to have competition.

Present on behalf of Verizon were John Butler, Director and Scott Parr, consultant to Verizon. Attorney Robert Hoch was present representing Cablevision.

Provision re: Competition

1. Free video drops – Verizon
Fox Lane, 321 Bedford Road (Town House), 425 Cherry Street, Highway Dept. – Adams Street, St. Patrick's, 21 Park Avenue, Highway Department – Crusher Road, Bedford Hills Community House (Cablevision also does this). Additionally this will be provided to the three (3) hamlet libraries and other municipal buildings.
2. Free high speed internet
Provided by Cablevision - not at the Town House but could be installed.
The Bedford Hills Fire Department receives this.
There is no contingency in the Verizon contract for this.
3. Senior Citizen Discount – Cablevision gives a discount of \$1.50/month to those 62 and older. There is nothing in the Verizon contract concerning this.
4. PEGG access – Cablevision does not currently provide this but will offer it if Verizon does. Verizon will do this if Cablevision does.
5. Performance review – there is no public involvement in Verizon. Cablevision is open.

6. Control of Right of Way – Verizon does not provide specifics for this, Cablevision does. The Public Service Commission (PSC) has a right to control, but it must be in the agreement.

Verizon Consultant Scott Par, stated “I come to bury Cesar not to praise him” adding that Cablevision is doing just that, noting that everyday that this application is not approved is benefiting Cablevision. He pointed out that when Cablevision came into the area they had no restrictions on the right of way clause and since that time the laws have changed. He added that the law now dictates that Verizon must spell out how they will operate. He advised that Verizon will provide the free video drops to the sites previously described as well as expanding the list to include other municipal sites, schools, libraries and facilities that are verified by Verizon personnel as currently receiving Cablevision service in the Town of Bedford.

A discussion followed on conditional approval of the agreement. Mr. Par suggested that the wording in the agreement be revised and Mr. Chryssos suggested that there be conditional approval. Mr. Par pointed out that the attorneys should negotiate the wording on the following items:

- High speed internet – Verizon avoids it and does not want them regulated.
- Senior Citizen Discount – Verizon – this is only on basic services and no one uses it.
- PEGG Equipment – Cablevision – no change, Verizon will not.

Mr. Singleton noted that the Town Board was aware that the laws had changed. He added that concerning the control of right of way – the Town Board had requested the same agreement as with Cablevision but that Verizon had said no. He advised that over time Verizon’s position had changed and we are getting a commitment comparable to Cablevisions.

Mr. Par offered his thanks to the Town Board, the Town of Bedford and the Communications Committee for working with Verizon. He commended Cablevision for their efforts.

Mrs. Roberts offered thanks to the Communications Committee and Mr. Singleton for all the work put in on this agreement over the last year and a half. She commented that competition was needed in the Town of Bedford and that a better process should be constructed for the next time the agreements are negotiated.

Cablevision attorney Robert Hoch was asked by Mr. Burdick if he felt that the two agreements were equal and he responded that he did not feel they were being treated equally.

On a motion by Mrs. Roberts, seconded by Mr. Burdick, the following resolution was ADOPTED

Ayes: Roberts, Chryssos, Corcoran, Gabrielson, Burdick
Nays: None
Absent: None

RESOLVED that the public hearing to consider a franchise agreement for cable television service with Verizon New York Inc. be closed.

On a motion by Mr. Burdick, seconded by Mr. Corcoran, the following resolution was ADOPTED

Ayes: Roberts, Chryssos, Corcoran, Gabrielson, Burdick
Nays: None
Absent: None

WHEREAS, the Town of Bedford (the “Town”) is a franchising authority in accordance with Title VI of the Communications Act of 1934, as amended (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 November 12, 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 Bedford and Verizon New York Inc.,” which proposed agreement was filed with the Town on November 12, 2009 (“Verizon Franchise Agreement”); and

WHEREAS, on November 24, 2009 at a specially 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 Bedford 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’s Special Counsel, and to execute any other documents necessary to effectuate the granting of the franchise on behalf of the Town of Bedford.

The hearing was adjourned at 9:05 PM.

Lisbeth Fumagalli, Town Clerk