

Regular Town Board Meeting November 12, 2015

Present was Council Members Ganther, Leoni, Potter, Supervisor Tidball and Attorney Siegel. Absent was Council Member Passonno.

Supervisor Tidball called the meeting to order at 7:32 PM followed by the pledge to the flag..
Prayer/Moment of Reflection offered by Pastor McHeard.

Public comments on agenda items listed in the business meeting section, subject to vote by the Town Board. Comments are limited to 2 minutes per person. No one wished to speak.

Resolution #174-45-Council Member Potter motioned seconded by Council Member Leoni to approve the minutes for the October 1, 2015 Agenda meeting. Motion carried 3 ayes, one abstain Council Member Ganther.

Resolution #175-15-Council Member Leoni motioned seconded by Council Member Ganther to approve the minutes for the October 8, 2015 Regular Town Board meeting on October 8, 2015. Motion carried 4 ayes.

Town Clerk's Report read by Town Clerk Lennon

**Clerk's Monthly Report
October 01, 2015 - October 31, 2015**

Account#	Account Description	Fee Description	Qty	Local Share
		Refunds	1	25.24
		Special Use Permit	2	150.00
	Building Permit Renewal	Building Permit Renewal	4	375.00
	Freedom Of Information	Freedom Of Information	1	4.75
	Marriage License Fee	Marriage License Fee	3	52.50
	Misc. Fees	Certified Copies - Death	22	220.00
		Photo Copies	54	10.35
		Sub-Total:		\$837.84
A1255	Conservation	Conservation	14	58.84
		Sub-Total:		\$58.84
A2544	Dog Licensing	Female, Spayed	28	252.00
		Female, Unspayed	2	34.00
		Male, Neutered	25	225.00
		Male, Unneutered	1	17.00
		Replacement Tags	1	2.00
		Sub-Total:		\$530.00
B2110	Zoning Variances	Zoning Variances	1	100.00
		Sub-Total:		\$100.00
B2555	Building Permits	Building Permits	12	1,070.00
	Sign Permits	Sign Permits	1	30.00
	Special Use Permit	Special Use Permit	1	100.00
		Sub-Total:		\$1,200.00
		Total Local Shares Remitted:		\$2,726.68
Amount paid to:	NYS Ag. & Markets for spay/neuter program			62.00
Amount paid to:	NYS Environmental Conservation			1,080.16

Amount paid to: State Health Dept. For Marriage Licenses

67.50

Total State, County & Local Revenues: \$3,936.34

Total Non-Local Revenues: \$1,209.66

Town Supervisor's report read by Supervisor Tidball

Monthly Statement of the Town Supervisor

TO THE TOWN BOARD OF THE TOWN OF DUANESBURG, NEW YORK:

Pursuant to Section 119 of Town Law, I hereby render the following statement of all money received and disbursed by this office during the month October 2015.

REVENUES

FUND	AMOUNT
GENERAL FUND	\$ 112,768.99
HIGHWAY FUND	\$ 20.01
FIRE PROTECTION	\$ -
PARK & RECREATION	\$ 0.12
PARKLANDS	\$ 0.35
SERVICE AWARD	\$ 0.51
SEWER DISTRICT #1	\$ 4.49
SEWER DISTRICT #2	\$ 2.64
TOTAL	\$ 112,797.11

DISBURSEMENTS

GENERAL FUND	\$ 63,944.31
HIGHWAY FUND	\$ 37,071.20
FIRE PROTECTION	\$ -
PARK & RECREATION	\$ -
PARKLANDS	\$ -
SERVICE AWARD	\$ -
SEWER DISTRICT #1	\$ 8,320.34
SEWER DISTRICT #2	\$ 6,666.46
TOTAL	\$ 116,002.31

Dated: November 11, 2015

Supervisor's Office
Town of Duanesburg

Resolution #176-15-Council Member Potter motioned seconded by Council Member Leoni the payment of the following claims: Motion carried 4 ayes.

In-house #20-21	\$ 60.00
SD#1 #'s111-120-	\$ 1,864.99
SD#2 #'s 103-113-	\$ 4,734.96
General Fund #'sA356-381	\$ 15,752.92
Highway Fund #'sH128-146	<u>\$ 83,534.17</u>
Total	\$105,947.04
 Paid before Vouchers	 \$ 7,102.94

Committee reports;

Highway: Council Member Potter reported one of the trucks has a bad oil pan and will cost a couple of thousand dollars to repair. Truck #13 needs tires. Culverts have been replaced on Humphrey Rd.

We received funds for Wells Rd. and Lower Brown Rd. and bids will go out for repair in the spring. The salt piles are stocked up for winter.

Public Safety: Council Member Leoni attended the Fire Officers meeting last night. The fire and ambulance departments are requesting that if there are any road closures that they be contacted.

Delanson Fire Department December 5th toys for tots.

Park: Council Member Leoni reported there is a park committee meeting tomorrow evening and it is their annual dinner.

Sewer: Council Member Potter reported, he met with Cory they had a lengthy conversation on what needs to be done. Dale is helping and we are hiring an independent contractor to oversee operations of the town sewer districts.

IT: Council Member Ganther reported the contract negotiating team did meet with Time Warner on Tuesday. Mr. Vandow said it was a good meeting. The company has agreed to accept most of the language in the proposed contract and only wanted clarification on several points as well as some minor changes. The December meeting they will be discussing extension of services.

We received an email from Michael Vandow stating that they have received maps indicating proposed extension of Time Warner service from the Town of Duanesburg and the Town of Sharon.

The board will be authorizing the Supervisor to sign 394 Agreement with Charter.

Supervisor Tidball: spoke of the franchise agreement. Spoke of Berne for awhile they have taken part of the money from the Franchise Agreement and put it in an account and used it for helping to further broadband, internet and cable to help offset the cost to Time Warner or whoever the provider is and we are looking to do the same thing. First he and John will be sitting down with the Town Supervisor of Berne and see what they have and what they have done and how it went for them and the problems they have had.

In early December we may have another public forum to try and get it out to more people in other areas where they don't have internet.

The hot spot at the town hall is working. Supervisor Tidball received a letter from Ms. Crowley from the school he had asked the Superintendent of Duanesburg School to give us an endorsement of what the needs of the students are with parents that live in an area that is not served.

Resolution #177-15-Council Member Leoni motioned, seconded by Council Member Potter to appoint Jennifer Howe as Deputy Registrar of Vital Statistics .For discussion: Supervisor Tidball, Jennifer was appointed as the Deputy Town Clerk awhile back. Motion carried 4 ayes.

Resolution #178-15-Council Member Potter motioned, seconded by Council Member Ganther to accept the resignation of Kathy Jo Gallo as Deputy Town Clerk and Web Keeper. For discussion; Supervisor Tidball we did receive the resignation as records keeper in the past, and was still doing webmaster. It is sad to see he go she did a great job. Motion carried 4 ayes.

Resolution #179-15-Council Member Potter motioned, seconded by Council Member Leoni to authorize Supervisor Tidball to sign the contract for services naming Jerry Ward as an Independent Contractor to oversee the operations of the Town's Sewer Districts. For discussion; Supervisor Tidball, he will be a great asset.. Motion carried 4 ayes.

Resolution #180-15-Council Member Ganther motioned, seconded by Council Member Potter to authorize Supervisor Tidball to sign the 394 agreement for the merger of Charter & Time Warner Cable.

CONSENT TO TRANSFER OF CONTROL

WHEREAS, Time Warner Cable Northeast LLC ("Franchisee") is the duly authorized holder of a franchise, as amended to date (the "Franchise"), authorizing Franchisee to serve the Town Duanesburg, NY (the "Town of Duanesburg") and to operate and maintain a cable television system therein (the "System"); and

WHEREAS, Time Warner Cable Inc. ("Time Warner Cable") is the ultimate parent company of Franchisee; and

WHEREAS, on May 23, 2015, Charter Communications, Inc. ("Charter Communications") along with its subsidiary CCH I,LLC ("New Charter") entered into agreements with Time Warner Cable, Advance/Newhouse Partnership ("A/N"), and Liberty Broadband Corporation ("Liberty") in order to merge with Time Warner Cable, the ultimate parent of the Franchisee (the "Transaction"); and

WHEREAS, Time Warner Cable will merge into a subsidiary of New Charter; and

WHEREAS, Charter Communications will merge with a subsidiary of New Charter, and New Charter will assume the name Charter Communications, Inc. ("Charter"); and

WHEREAS, the ultimate control of Franchisee will transfer to Charter; and

WHEREAS, Charter now seeks approval of the transaction and has filed an FCC Form 394 with the Town of Duanesburg with respect thereto; and

WHEREAS, the Town of Duanesburg has negotiated with Charter the terms of the Transfer enumerated in the attached exhibit and approves of the Transaction as noted therein,

NOW THEREFORE, BE IT RESOLVED BY THE Town Board of the Town of Duanesburg that:

1. The foregoing recitals with the terms noted in the attached exhibit are approved and incorporated herein by reference.
2. The Town of Duanesburg consents to the Transaction as noted.

3. The Town of Duanesburg confirms that, to its knowledge, the Franchise is valid and outstanding *and in full force and effect and there are no known defaults under the Franchise. Subject to compliance* with the terms of this

Resolution, all action necessary for the Town of Duanesburg to approve the transfer of control of the Franchise to Charter has been duly and validly taken.

4. Provided that upon closing of the Transaction the Franchisee remains bound by the lawful terms and conditions of the Franchise, the Town of Duanesburg consents that Charter or the Franchisee may (a) assign or transfer its assets, including the Franchise, provided that such assignment or transfer is to an entity directly or indirectly controlling, controlled by or under common control with Charter; (b) restructure debt or change the ownership interests among existing equity participants in Charter; (c) pledge or grant a security interest to any lender(s) of Charter's assets, including, but not limited to, the Franchise, or of interest in Charter, for purposes of securing any indebtedness; and (d) sell equity interests in Charter or any of Charter's affiliates.

5. Charter and the Franchisee may rely upon this resolution and the consents set forth herein to proceed with the Transaction unless Charter and the Franchisee receive written notice to the contrary.

6. This Resolution shall be deemed effective upon adoption.

Attest:

Duanesburg Town Clerk

EXHIBIT I

ADDENDA TO MUNICIPAL RESOLUTION
FOR TRANSFER TO CHARTER

1. Charter agrees that the franchisee will ensure that every cable service subscriber served by the company shall continue to have access to the Public, Educational and Governmental channels.
2. Charter agrees that, if a requested PSC audit of Time Warner franchise fee accounting uncovers any underpayment, the Franchisee under Charter's control will rectify such underpayment if the audit is completed after the transfer occurs.
3. Charter agrees that, during the interim between transfer and the adoption of a new franchise, it will ensure the Franchisee continues to abide by all provisions in the current Franchise.

Motion carried 4 ayes.

Resolution #181-15-Supervisor Tidball motioned, seconded by Council Member Leoni to adopt the 2016 Preliminary Budget as the Town Budget for 2016. Motion carried 4 ayes.

Resolution #182-15-Supervisor Tidball motioned, seconded by Council Member Ganther to appoint Deanna Siegel to fill the vacant town Judgeship through 12/31/2016. For discussion; Supervisor Tidball, we did several interviews to fill the vacant position of Judge Butler. We had some great interviews really qualified people, a few people requested after we did interviews to take them into consideration. Motion carried 4 ayes.

No other business. Privilege of the floor opened to comments 8:10PM

Russ Pokorny –Lives in the Town of Knox and is a member of Helderberg Community Energy which is a citizens group they are interested in promoting the use of renewal energy. The Public Service Commission has allowed just this year community net metering. This means you can put up a big bank of solar panels as much as two megawatts which would power a couple hundred homes and all of these homes becomes members of this array. If the town wanted to they

could become a member of their array. They would produce the power some place in Town of Berne or Knox and the Town would be members of that and would get credit for the power they produce, it should be 10 to 20% lower than your current electric bill. They would like to know is if the town is interested if the terms turn out to be favorable.

Supervisor Tidball; we have had a few other companies look to put up a solar panel farm in our town, we haven't gone through the numbers, we are interested in seeing the paperwork.

Dale Warner asked if we had a web master.

Supervisor Tidball- Jen Howe is going to be the web master. She needs to have some training and will be caught up as soon as possible.

Lynn O'Rourke-She is very glad to be here, this is the first time she has attended a town board meeting. She is here in her private roll where she has lived in the Village of Delanson for the past years and also has run the Catholic Church.

Asked about Cole Rd. what is going to happen that it is going to close?

Supervisor Tidball- The railroad crossing is going to be fixed.

Lynn O'Rourke- spoke of Alexander Rd. and in the winter does not drive up Alexander Rd. from the church to Rt. 20 until after the winter is over. Asked why is that happening here?

Supervisor Tidball –This last winter was a rough year. This was one of the roughest for length and cold and ice. County Roads, State Roads and Town Roads took a beating this year. The ice would not go away. As the highway department they did the best they could.

No other business floor closed at 8:20PM.

Council Member Ganther motioned, seconded by Council Member Leoni to adjourn.

I, Leah M. Lennon, Town Clerk of the Town of Duanesburg do hereby certify that this is a true and accurate transcript of the regular Town Board Meeting held Thursday November 12, 2015 at the Duanesburg Town Hall, 5853 Western Turnpike Duanesburg, New York