



**Town of Cheektowaga**

3301 Broadway  
Cheektowaga, NY 14227

Meeting: 08/08/23 07:00 PM

**ADOPTED**

Sponsors: Councilmember Pilarski, Councilmember Nowak

**RESOLUTION 2023-438**

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**Call For Public Hearing for the Approval of a Cable Television Agreement Between Spectrum Northeast, LLC and the Town of Cheektowaga**

WHEREAS, pursuant to Title VI of the Telecommunications Act of 1934, *as amended*, the regulations of the Federal Communications Commission (hereinafter referred to as the "FCC") and the rules and regulations of the New York State Public Service Commission, the Town is authorized to grant and renew franchises to construct, operate and maintain a Cable System utilizing Public Rights-of-Way and properties within the Town's jurisdiction; and

WHEREAS, Charter currently holds a cable franchise from the Town by virtue of a cable franchise agreement granted to Time Warner NY Cable, LLC, Charter's predecessor-in-interest, and such franchise agreement is now expired; and

WHEREAS, Charter has requested that the Town renew Charter's franchise to maintain, construct, operate, and maintain its Cable System over, under and along the aforesaid Public Rights-of-Way for use by the Town's residents; and

WHEREAS, the aforesaid Public Rights-of-Way used by Charter are public properties acquired and maintained by the Town on behalf of the citizens of the Town, and the right to use said Public Rights-of-Way is a valuable property right; and

WHEREAS, the Town desires to protect and manage the aforesaid Public Rights-of-Way, establish standards of Subscriber service, maintain a technologically advanced Cable System, receive Franchise Fees for Charter's use of the Town's Public Rights-of-Way as provided by federal law, provide legal protections for the Town and Charter, and meet the current and future cable-related needs and interests of its residents; NOW, THEREFORE, BE IT

RESOLVED, that a public hearing be held on the 22nd day of August, 2023 at 7:00 P.M. at the Town Hall, 3301 Broadway, Cheektowaga, New York regarding the granting of a cable television franchise agreement by and between the Town of Cheektowaga and Spectrum Northeast, LLC, an indirect subsidiary of Charter Communications, Inc. At such public hearing all persons will be given an opportunity to be heard. Written and oral statements will be taken at that time. Time limitations may be imposed for each oral statement, if necessary. A copy of the agreement is available for public inspection during normal business hours at the Town Clerk's office at 3301 Broadway Street, Cheektowaga, NY 14227; AND, BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is directed to publish the attached Notice of Hearing in the Cheektowaga Bee.

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**NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that, pursuant to the Municipal Home Rule Law of the State of New York, a Public Hearing will be held before the Town Board of the Town of Cheektowaga on the 22nd day of August, 2023 at 7:00 P.M. at the Town Hall, 3301 Broadway, Cheektowaga, New York regarding the granting of a cable television franchise agreement by and between the Town of Cheektowaga and Spectrum Northeast, LLC, an indirect subsidiary of Charter Communications, Inc. A copy of the agreement is available for public inspection during normal business hours at the Town Clerk’s office at 3301 Broadway Street, Cheektowaga, NY 14227. All persons will be given an opportunity to be heard. Written and oral statements will be taken at that time. Time limitations may be imposed for each oral statement, if necessary.

Dated: August 8, 2023

BY ORDER OF THE TOWN BOARD OF THE TOWN OF CHEEKTOWAGA, ERIE COUNTY, NEW YORK.

KIMBERLY A. BURST

Town Clerk

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Brian Pilarski, Councilmember
<b>SECONDER:</b>	Brian Nowak, Councilmember
<b>AYES:</b>	Benczkowski, Adamczyk, Hammer, Jasinski, Kaminski, Nowak, Pilarski

State Of New York  
Erie County  
Office Of The Clerk Of The  
Town of Cheektowaga

(Seal)

ss:

This is to certify that I, *Kimberly Burst*, Clerk of the *Town of Cheektowaga*, in the said *County of Erie*, have compared the foregoing copy of resolution with the original resolution now on file at this office, and which was passed by the Town Board of the *Town of Cheektowaga*

in said *County of Erie*, on Tuesday, August, 8, 2023, and that the same is a correct and true transcript of such original resolution and the whole thereof.

*In Witness Whereof*, I have hereunto set my hand and affixed the seal of said Town on Monday, August, 14, 2023.

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CLERK OF THE TOWN BOARD, TOWN OF CHEEKTOWAGA, NY