

# Warren County Board of Supervisors

## RESOLUTION NO. 389 OF 2011

**Resolution introduced by Supervisors Sokol, Thomas, Champagne, Taylor and McDevitt**

**RESOLUTION AUTHORIZING SERVICE AND MARKETING AGREEMENT AND  
EASEMENT AND MEMORANDUM OF AGREEMENT WITH TIME WARNER NY CABLE  
LLC FOR THE WESTMOUNT HEALTH FACILITY**

WHEREAS, cable services for purposes of providing television, phone and/or internet access have been provided to the Westmount Health Facility by Time Warner NY Cable LLC (“Time Warner”) since approximately 2007 (prior to that time, Adelphia Cablevision provided such services), and

WHEREAS, Time Warner has requested that a service and marketing agreement and easement and memorandum of agreement be executed between the company and the County due to the change from Adelphia Cablevision to Time Warner Cable, and

WHEREAS, the Westmount Administrator reports that her records show that the previous agreement with Adelphia Cablevision which expired in April of 2011 subject to automatic one (1) year renewals, and

WHEREAS, Time Warner has advised that they will continue to honor the Seven Dollar (\$7) per room, per day rate upon execution of a new agreement with the following conditions:

1. That the agreement term be either for five (5), seven (7) or ten (10) years with the provision that the agreement will automatically renew for successive one (1) year periods unless either party notifies the other at least one hundred twenty (120) days before the expiration of the initial term or any renewal term;
2. That the fee shall be Seven Dollars (\$7) per unit, whether such units are occupied and that Time Warner shall be entitled to raise the fee at any time during the term upon thirty (30) days prior notice to the owner, provided that during the initial term Time Warner shall not increase the fee during the first year and thereafter such increases shall not exceed five percent (5%) during any calendar year;

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3. That any additional services requested or required by residents of the Facility will be contracted and paid for directly by the resident;
4. That internal wiring and conduit meet minimum specifications as provided for in the agreement;
5. That an easement be granted to Time Warner for purposes of permitting Time Warner and its affiliates or contractors to install, operate, maintain, upgrade, repair, replace or remove a system for the delivery of video, entertainment high speed data phone or phone replacement and other services that may be offered by Time Warner and market, offer and provide such services to residents of the property as more specifically set forth in said agreement, now, therefore, be it

RESOLVED, that the Warren County Board of Supervisors hereby approves the service and marketing agreement for a term of five (5) years and hereby further approves the memorandum of agreement and the Chairman of the Board be, and hereby is, authorized to execute the aforementioned agreement in a form approved by the County Attorney and the County Administrator, Westmount Administrator and other involved County Officials are hereby authorized and directed to take such other and further action as may be necessary to implement and carry out the terms and provisions of the agreement, and be it further

RESOLVED, that the cost of the agreement shall be paid from Code EF.83500.5906 410 Westmount, Administration Services, Supplies.