

STATE OF NEW YORK
Town of Madison
County of Madison

In the Matter of the Establishment of a Franchise by
THE VILLAGE OF HAMILTON in the Town of Madison, Madison
County, New York

RESOLUTION

WHEREAS, the Village of Hamilton (“Village”), acting by and through its Board of Trustees, has duly established a municipal natural gas public utility service pursuant to the authority granted under New York State General Municipal Law Article 14-A, Section 360, *et. seq.*, and

WHEREAS, as part of the Village’s preliminary engineering and economic planning process, the Village has petitioned the Town for permission, to establish a franchise within the Town of Madison to construct and operate the Village’s municipal gas utility within the Town of Madison, which franchise would provide authority to the Village to construct a portion of the gas utility infrastructure in the Town of Madison and provide natural gas service to customers within the Town of Madison, and

WHEREAS, A public hearing was held in the Town of Madison, Madison County, New York on May 9, 2013 at 7:30 p.m., and notice of the hearing was published in the Oneida Daily Dispatch, the official newspaper of the Town of Madison.

NOW, THEREFORE IT IS HEREBY RESOLVED that the Town Board of the Town of Madison finds that:

1. The approval of this franchise agreement is a Type II action as defined under section under section 617.5 (c)(21) of the New York State Department of Environmental Conservation implementing regulations under the New York State Environmental Quality Review Act; and

2. The Village has the financial, legal and technical ability to construct and operate the contemplated natural gas utility system and to provide natural gas services; and
3. The potential availability of natural gas service, even on a limited basis, is in the best interests of the Town of Madison and its residents; and.

BE IT HEREBY FURTHER RESOLVED that the Town Board of the Town of Madison hereby approves and grants the natural gas utility franchise of the Village of Hamilton in the Town of Madison for twenty (20) years commencing with the date of approval by the Public Service Commission and expiring twenty (20) years after said date; and

AND BE IT FURTHER RESOLVED that the Town Board of the Town of Madison hereby approves the form of Gas Utility Franchise Agreement as proposed by the Village, and does hereby authorize and direct the Town Supervisor to execute said form of Franchise Agreement on behalf of the Town of Madison.

Dated: May 9, 2013