

RESOLUTION NO. 2019 – 220

RESOLUTION OF THE TOWNSHIP OF LITTLE EGG HARBOR, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE RENEWAL OF THE FRANCHISE AGREEMENT WITH NEW JERSEY NATURAL GAS COMPANY

WHEREAS, New Jersey Natural Gas Company has heretofore been granted a franchise and consent to lay, maintain and operate gas facilities in the Township of Little Egg Harbor; and

WHEREAS, New Jersey Natural Gas Company is desirous of extending and renewing the period of the consent to this municipality to exercise its franchise rights in the Township of Little Egg Harbor for the purpose of furnishing gas therein.

NOW, THEREFORE, BE IT RESOLVED, that New Jersey Natural Gas Company be and it is hereby authorized to lay, maintain, and operate its conductors, mains and pipes, together with the appurtenances thereto, in all the public streets, alleys, squares and public places in this municipality which are under the control and jurisdiction of the Township for the purpose of conducting gas, or any mixture of gases of various type including natural gas, and for the purpose of transmitting and distributing such gas in this municipality for a period of ten (10) years from the date hereof, upon the following terms and conditions:

1. That New Jersey Natural Gas Company shall report to the department of public works and the Township engineer, annually, their intentions with regard to prospective work requiring future street openings in the community for the purpose of coordinating such activity with pavement projects anticipated by the Township. Except in the case of an emergency, the Township shall have the right to schedule street openings in a manner which will create the least disturbance to payment courses, in furtherance of which purpose the department of public works shall provide a schedule of expected street construction and resurfacing; and
2. That New Jersey Natural Gas Company shall agree that, in all cases in which street openings or excavations are made for the purposes aforesaid, the pavement and the surface of the streets, alleys, squares or roadways shall be restored to the same condition as existed prior to the opening thereof. The restoration shall include milling and repaving of the area so as to blend uniformly with the adjacent roadway, including restoration of pavement markings, signage and all other appurtenances; and
3. Prior to the beginning of any street openings or excavations for the aforesaid purposes, New Jersey Natural Gas Company shall apply, in writing, on forms to be supplied by New Jersey Natural Gas Company, to the Township Clerk, acting as an agent of this governing body for permission to make any street

opening or excavations. The Construction official is authorized to demand a cash escrow or equivalent in an amount not to exceed \$10,000 to ensure that any road opening is restored satisfactorily; and

4. That New Jersey Natural Gas Company shall conduct the work or the laying or maintaining of gas pipes therein in a careful and prudent manner; and
5. That New Jersey Natural Gas Company shall safeguard the public interest in continuous and uninterrupted service at and after the expiration of the term of the grant; and
6. That New Jersey Natural Gas Company shall maintain its property in good order throughout the full term of the grant; and
7. That New Jersey Natural Gas Company shall continuously afford safe, adequate and proper service at just and reasonable rates.

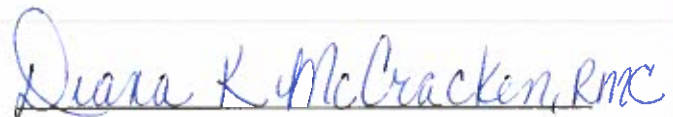
BE IT FURTHER RESOLVED, that this franchise consent, upon approval of the Board of Public Utilities of the State of New Jersey, shall supersede the Resolution granted by the Township of Little Egg Harbor on December 21, 1959; and

BE IT FURTHER RESOLVED, that New Jersey Natural Gas Company shall file with the clerk of this municipality, within sixty (60) days from the date hereof, its acceptance of the terms and provisions of the franchise consent herein granted and its agreement to be bound by the terms and provisions thereof; and

BE IT FURTHER RESOLVED, that this resolution shall not become effective until it is approved by the Board of Public Utilities of the State of New Jersey.

CERTIFICATION

I, **DIANA K. MCCRACKEN, RMC**, Clerk of the Township of Little Egg Harbor, do hereby certify that the foregoing resolution was duly adopted by the Little Egg Harbor Township Committee at a meeting held on the 14th day of **November, 2019**.



DIANA K. MCCRACKEN, Township Clerk
Township of Little Egg Harbor