

RESOLUTION NO. 2020-182

RESOLUTION OF THE TOWNSHIP OF LITTLE EGG HARBOR, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH COMCAST OF NEW JERSEY, INC.

WHEREAS, Comcast has requested that the Township grant renewal of its non-exclusive Municipal Consent to place in, upon, across, above, over and under highways, streets, alleys, sidewalks, easements, public ways and public places in the Township, poles, wires, cables, underground conduits, manholes and other television conductors, fixtures, apparatus and equipment as may be necessary for the construction, operation and maintenance in the Township of a cable television and communications system; and

WHEREAS, in accordance with the requirements of the Cable Television Act, N.J.S.A. 48:5A-1, et seq., the Township by adoption of Ordinance 2020-16, will grant the Municipal Consent to Comcast, in accordance to terms negotiated by the parties; and

WHEREAS, the parties, in mutual consideration as provided in Ordinance 2020-16, agree to the following terms as additional conditions for the non-exclusive Municipal Consent granted to Comcast.

WHEREAS, it is the desire of the governing body to authorize the execution of an Agreement with Comcast of New Jersey, Inc. as to additional terms and conditions of the non-exclusive Cable Franchise Renewal and Municipal Consent.

NOW, THEREFORE, BE IT RESOLVED, by the governing body of the Township of Little Egg Harbor, County of Ocean, State of New Jersey as follows:

rmshc

Rothstein, Mandell, Strohm,
Halm & Cipriani, P.A.
ATTORNEYS AT LAW

150 Airport Road
Suite 600
Lakewood, NJ 08701

o: 732.363.0777
f: 732.905.6555


1. That the governing body does hereby authorize the execution of an Agreement with Comcast of New Jersey, Inc., in accordance with the terms of said agreement attached hereto and made a part hereof as Schedule A. The form of said agreement is subject to the approval of the Township Attorney.

2. That the Mayor is hereby authorized to execute and the Township Clerk to attest to the Agreement, and any other documents necessary to effectuate the terms of this resolution.

5. That a certified copy of this resolution, together with a copy of the agreement, shall be forwarded to Comcast of New Jersey, the Township Administrator and the Township Chief Financial Officer.

CERTIFICATION

I, **DIANA K. MCCRACKEN, RMC**, Municipal Clerk of the Township of Little Egg Harbor do hereby certify that the foregoing resolution was duly adopted by the Township of Little Egg Harbor Township Committee at a meeting held on the 10th day of **December, 2020**.


DIANA K. MCCRACKEN, Township Clerk
Little Egg Harbor Township

MSA

r|msh|c

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AGREEMENT

THIS AGREEMENT made and entered into this 10th day of December, 2020, by and between the **TOWNSHIP OF LITTLE EGG HARBOR** (hereinafter "Township"), a municipal corporation of the State of New Jersey, with its principal offices located at 665 Radio Road, Little Egg Harbor, New Jersey 08087, and **COMCAST OF NEW JERSEY, INC.** (hereinafter "Comcast"), a corporation of the State of New Jersey with offices located at 195 Leonardville Road, Belford, New Jersey 07718

W I T N E S S E T H:

WHEREAS, in consideration of the mutual covenants, agreements and considerations contained herein, the Township of Little Egg Harbor and Comcast of New Jersey, Inc. do hereby agree as follows:

1. Comcast shall provide five (5) thirty-second (30) Public Service Announcements (produced by the Township) per month for three (3) years, which the Township shall produce through the non-profit Commercial Revitalization Advisory Board. A Public Service Announcement is meant to inform the public of the work of charitable, governmental and non-profit organizations. Public Service Announcements must be consistent with the objectives of the sponsoring organization, must accurately reflect the organization identified with the spot, and all claims must be substantiated. Discussions of controversial issues of public importance or religious doctrine are not permitted. Public Service Announcements that show or reference commercial products, services or corporate names are not acceptable. Public Service Announcements in which funds are requested will be reviewed on a case by case basis.

2. Comcast shall consider any application by the non-profit Commercial Revitalization Action Board for provision of additional Public Service Announcements but are not required to provide them.

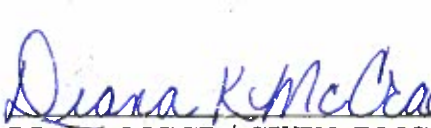
3. This Agreement is effective and coextensive with the Cable Franchise Renewal granted to Comcast by the adoption of 2020-16, Chapter A380 of the Township Code entitled "Cable Television Franchise."


4. In the event that any court of competent jurisdiction shall declare any section of this agreement invalid for any reason, all other sections shall remain in full force and effect.

5. This Agreement and Ordinance 2020-16 represent the entire agreement between the parties and may not be modified or amended except by written agreement between the parties or as otherwise required by applicable law.

WITNESS AND ATTEST:

TOWNSHIP OF LITTLE EGG HARBOR


DIANA MCCRACKEN, RMC
Township Clerk
(Seal)

By 
BARBARA JO CREA., Mayor

COMCAST OF NEW JERSEY, INC.

By _____

GILMORE & MONAHAN
A Professional Corporation
COUNSELLORS AT LAW
Allen Street Professional Center
Ten Allen Street
P.O. Box 1540
Toms River, New Jersey 08754