

December 21, 2020

Via Electronic Mail

Aida Camacho-Welch, Secretary
Board of Public Utilities
44 South Clinton Avenue, 9th Floor
PO Box 350
Trenton, New Jersey 08625-0350

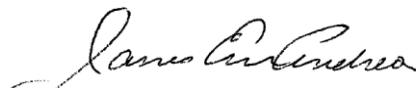
Re: In the Matter of the Application of CSC TKR, LLC for Renewal of a Certificate of Approval to Operate and Maintain a Cable Television System in the Town of Newton, County of Sussex, State of New Jersey

Dear Ms. Camacho-Welch:

On behalf of CSC TKR, LLC., we have attached electronic copies of the company's Petition, Verification, Exhibits A through D and Proof of Service for filing with your office. In accordance with the Board's Order, the filing fee in the amount of \$200 will be sent when directed to do so by the Board.

Respectfully submitted,

SCHENCK, PRICE, SMITH & KING



James Eric Andrews

cc: Lawanda Gilbert, Director
Nancy Wolf, OCT
Robert Hoch, Esq., Altice USA
Patrick Hayes, Senior VP, Alice USA
Marilyn Davis, Area Director Gov. & Public Affairs NJ, Altice USA
Lorraine A. Read, Clerk, Town of Newton (w/encl) (via Federal Express)

SCHENCK, PRICE, SMITH & KING, LLP

P.O. Box 991
220 Park Avenue
Florham Park, NJ 07932
(973) 539-1000
Attorneys for Petitioner, CSC TKR, LLC

**STATE OF NEW JERSEY
BOARD OF PUBLIC UTILITIES
OFFICE OF CABLE TELEVISION AND TELECOMMUNICATIONS**

IN THE MATTER OF THE APPLICATION OF : **DOCKET NO.**
CSC TKR, LLC. FOR RENEWAL OF A :
CERTIFICATE OF APPROVAL TO CONTINUE :
TO OPERATE AND MAINTAIN A CABLE :
TELEVISION SYSTEM IN THE TOWN OF : **VERIFIED PETITION**
OF NEWTON, COUNTY OF SUSSEX, STATE : **FOR RENEWAL OF A**
OF NEW JERSEY : **CERTIFICATE OF APPROVAL**

CSC TKR, LLC., a limited liability company existing under the laws of the State of Delaware (hereinafter "CSC TKR") and a subsidiary of Altice USA, Inc., with its place of business at 1 Court Square West, Long Island City, NY 11101, hereby states in support of the within Petition:

1. CSC TKR is a cable company as defined under the provisions of the New Jersey Cable Television Act, N.J.S.A. 48:5A-3(g), and is the current holder of a Certificate of Approval issued by this Honorable Board on October 20, 2010 to Service Electric Cable T.V. of New Jersey, Inc. (hereinafter "Service Electric") for the construction, operation and maintenance of a cable system in the Town of Newton (hereinafter "Town"), County of Sussex, State of New Jersey. On

July 2, 2020, CSC TKR acquired the assets of Service Electric, including the franchise and cable System in the Town. This Board's Certificate of Approval originally issued to Service Electric for the Town's franchise and currently held by CSC TKR, expired on April 19, 2020. A copy of the Certificate of Approval is attached hereto as Exhibit A and a copy of the Town's Ordinance No. 2009-34 is attached hereto as Exhibit B.

2. CSC TKR provided its Application for Municipal Consent to the Town pursuant to N.J.S.A. 48:5A-23. An electronic copy of CSC TKR's Application for a Cable Television Franchise will be filed under separate cover with this Board's Office of Cable Television.

3. On March 9, 2020, the Town adopted Municipal Ordinance No. 2020-3, renewing the consent of the Town for Service Electric to own, operate and maintain a cable system within the Town for a term of ten (10) years from April 19, 2020, the expiration date of the Board's Certificate of Approval. A copy of Ordinance No. 2020-3 is attached hereto as Exhibit C.

4. By letter dated November 5, 2020, CSC TKR accepted the terms of the Town's Ordinance. A copy of said correspondence is attached hereto as Exhibit D.

5. CSC TKR maintains a local office for the use of its customers at 683 Route 10, East, Randolph, New Jersey 07869.

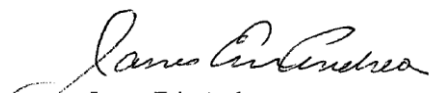
6. Since acquisition of the cable system in Newton, CSC TKR has been operating within the Town in compliance with applicable federal and state law and in conformance with the rules, regulations and orders of the Board. CSC TKR has fulfilled the material commitments set forth in the Board's previous Certificate of Approval.

7. The granting of the within Petition for renewal of CSC TKR's Certificate of Approval is necessary and proper for the public convenience and will serve the public interest as CSC TKR has the financial, legal and technical ability to provide the proposed cable services during the term of the renewal.

WHEREFORE, CSC TKR, LLC respectfully requests that the Board of Public Utilities issue to it a renewal Certificate of Approval for the continued operation of its cable system in the Town of Newton, County of Sussex, State of New Jersey, for a period of ten (10) years from April 19, 2020, the expiration date of the Board's Certificate of Approval.

Respectfully submitted,

SCHENCK, PRICE, SMITH & KING, LLP
Attorneys for Petitioner



By: JAMES ERIC ANDREWS

Dated: December 21, 2020

ALL COMMUNICATIONS REGARDING THIS VERIFIED PETITION SHOULD BE ADDRESSED TO SCHENCK, PRICE, SMITH & KING, LLP, ATTORNEYS FOR PETITIONER CSC TKR, LLC, AT P.O. BOX 991, 220 PARK AVENUE, NEW JERSEY 07962, ATTENTION: JAMES ERIC ANDREWS, ESQ., (973) 539-1000.

VERIFICATION


STATE OF NEW YORK:

ss.:

COUNTY OF NASSAU:

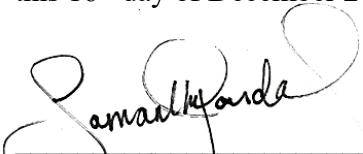
PATRICK HAYES, of full age, being duly sworn according to law, deposes and says:

1. I am Senior Vice President of Government Affairs for CSC TKR, LLC. I have read the attached Petition, including the exhibits attached thereto, and state that the statements contained therein are true and correct to the best of my knowledge, information and belief.



Patrick Hayes

Sworn and subscribed to before me
this 16th day of December 2020



Notary Public

SAMANTHA M. PARDAL
Notary Public, State of New York
No. 01PA6275026
Qualified in Nassau County
Commission Expires: January 14, 2021



STATE OF NEW JERSEY
Board of Public Utilities
Two Gateway Center, Suite 801
Newark, NJ 07102
www.nj.gov/bpu/

CABLE TELEVISION

IN THE MATTER OF THE PETITION OF SERVICE)
ELECTRIC CABLE TV OF NEW JERSEY, INC. FOR)
RENEWAL OF ITS CERTIFICATE OF APPROVAL)
TO OWN, OPERATE, EXTEND AND MAINTAIN A)
CABLE TELEVISION SYSTEM IN THE TOWN OF)
NEWTON, COUNTY OF SUSSEX, STATE OF NEW)
JERSEY)

RENEWAL
CERTIFICATE OF APPROVAL

DOCKET NO. CE10040297

Michael P. Meliti, Esq., Arturi, D'Argenio, Guagliardi & Meliti, Rochelle Park, New Jersey, for the Petitioner

Town Clerk, Town of Newton, New Jersey, by Lorraine Read, for the Town

BY THE BOARD:

On July 2, 1980, the Board granted Service Electric Cable TV of New Jersey, Inc., under the corporate name of Garden State CATV, Inc. ("Garden State") a Certificate of Approval in Docket No. 797C-6503, for the construction, operation and maintenance of a cable television system in the Town of Newton ("Town"). Based on a name change, the holder of the Certificate is now known as Service Electric Cable TV of New Jersey, Inc. ("Petitioner"). On April 19, 2000, the Board issued an Order Adopting Initial Decision-Settlement and Renewal Certificate of Approval to the Petitioner for the Town in Docket No. CE95090432. Although the Petitioner's above referenced Certificate expired on April 19, 2010, it is authorized to continue to provide cable television service to the Town pursuant to N.J.S.A. 48:5A-25, pending disposition of proceedings regarding the renewal of its Certificate of Approval.

The Petitioner filed an application for the renewal of its municipal consent with the Town on July 16, 2009, pursuant to N.J.S.A. 48:5A-23 and N.J.A.C. 14:18-13.1 et seq. On January 11, 2010, the Town adopted a municipal ordinance granting renewal consent to the Petitioner. On January 13, 2010, the Petitioner formally accepted the terms and conditions of the ordinance. On April 27, 2010, pursuant to N.J.S.A. 48:5A-16, the Petitioner filed with the Board for a renewal of its Certificate of Approval for the Town.

The Board has reviewed the application for municipal consent, the petition for a Renewal Certificate of Approval, and the municipal consent ordinance. Based upon this review and the recommendation of the Office of Cable Television, the Board **HEREBY FINDS** the following:

1. The Petitioner possesses the requisite legal, character, financial and technical qualifications for the awarding of a Certificate of Approval. Further, the Town reviewed these qualifications in conjunction with the municipal consent process.
2. The design and technical specifications of the system will ensure that the Petitioner provides safe, adequate and proper service.
3. The Petitioner has represented that all previously required construction within the franchise territory is complete.
4. The franchise period as stated in the ordinance is ten years. The Board finds this period to be of reasonable duration.
5. The Town has reserved the right to review the Petitioner's performance at any time. If the Town determines that the Petitioner has failed to comply with the material terms and conditions of the ordinance, the Town shall provide written notice to the Petitioner of such alleged instances of non-compliance, and shall grant the Petitioner reasonable opportunity to cure such deficiency. If the Petitioner fails to cure said deficiency, the Town may submit any failures on the part of the Petitioner to the Board for review and administrative action, if necessary.
6. The Petitioner's rates shall be regulated and tariffs shall be filed for all services, in accordance with the rules and regulations of the Federal Communications Commission, the Board and the Office of Cable Television. The Petitioner shall maintain an informational schedule of prices, terms and conditions for unregulated service, and promptly file any revisions thereto.
7. Pursuant to statutory requirements, the ordinance specifies a complaint officer to receive and act upon complaints filed by subscribers in the Town. In this case, it is the Office of Cable Television. All complaints shall be received and processed in accordance with the applicable rules.
8. The Petitioner shall maintain a local business office or agent within Sussex County for the purpose of receiving, investigating and resolving complaints. Currently, the local office serving this provision is located at 320 Sparta Avenue, Sparta, New Jersey.
9. The franchise fee to be paid to the Town is specified to be 2% of the Petitioner's gross revenues from all recurring charges in the nature of subscription fees paid by subscribers for its cable television reception service in the Town, and shall be increased as required by N.J.S.A. 48:5A-30. Additional regulatory fees shall be paid to the State in an amount not to exceed 2% of Petitioner's gross operating revenues derived from intrastate operations. The Board finds these fees to be reasonable.

10. The Petitioner shall provide service along any public right-of-way in the primary service area of the Town at no cost beyond standard and non-standard installation charges as set forth in the Petitioner's application and its tariff on file with the Office of Cable Television. For any extension outside of the primary service area, the Petitioner shall utilize the line extension policy ("LEP") attached to the Certificate as Appendix "I". The minimum homes per mile figure is 35.
11. The Petitioner shall provide public, educational and governmental access channels and facilities in accordance with the ordinance and the application for a cable television franchise. Specifically, the Petitioner shall provide one channel for community access and a community bulletin board.
12. The Petitioner shall provide cable service to certain locations in the Town, free of charge, as follows: three connections at the Town Police Department; five cable connections at the Town Fire Departments, except to the Firehouse at 20-22 Mill Street which shall receive one connection; 24 classroom cable connections at the Halstead Middle School; 30 classroom cable connections at the Merriam Avenue School; 12 classroom cable connections at the Saint Joseph's School; one cable connection at the Dennis Library; three cable connections at Town Hall; four cable connections at the Town Department of Public Works; two cable connections at the Town Water Department; two cable connections at the Town Sewer Department; one cable connection at the Main Street Newton office; and two cable connections at the Town Fire Museum. The Town shall pay standard installation charges for each connection.
13. The Petitioner shall provide one high-speed Internet connection to the Main Street Newton office and to the Town Fire Museum at its actual cost.

Based upon these findings, the Board **HEREBY CONCLUDES**, pursuant to N.J.S.A. 48:5A-17(a) and 28(c), that the Petitioner has the municipal consent necessary to support the petition; that such consent and issuance thereof are in conformity with the requirements of N.J.S.A. 48:5A-1 et seq.; that the Petitioner has complied or is ready, willing and able to comply with all applicable rules and regulations imposed by or pursuant to State or federal law as preconditions for engaging in the proposed cable television operations; that the Petitioner has sufficient financial and technical capacity, meets the legal, character and other qualifications necessary to construct, maintain and operate the necessary installations, lines and equipment; and that the Petitioner is capable of providing the proposed service in a safe, adequate and proper manner.

Therefore, the Petitioner is **HEREBY ISSUED** this Renewal Certificate of Approval as evidence of Petitioner's authority to construct and operate a cable television system within the entirety of the Town.

This Renewal Certificate is subject to all applicable State and federal laws, the rules and regulations of the Office of Cable Television, and any such lawful terms, conditions and limitations as currently exist or may hereafter be attached to the exercise of the privileges granted herein.

The Petitioner shall adhere to the standards set forth by the Federal Communications Commission's rules and regulations, 47 C.F.R. §76.1 et seq., including, but not limited to, the technical standards 47 C.F.R. § 76.601 through § 76.630. Any modifications to the provisions thereof shall be incorporated into this Certificate.

Failure to comply with all applicable laws, rules, regulations and orders of the Board or Office of Cable Television and/or the terms, conditions and limitations set forth herein may constitute sufficient grounds for the suspension or revocation of this Certificate.

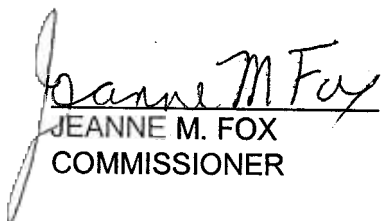
This Renewal Certificate is issued on the representation that the statements contained in the Petitioner's applications are true, and the undertakings contained therein shall be adhered to and enforceable unless specific waiver is granted by the Office of Cable Television pursuant to the authority contained in N.J.S.A. 48:5A-1 et seq.

This Certificate shall expire on April 19, 2020.

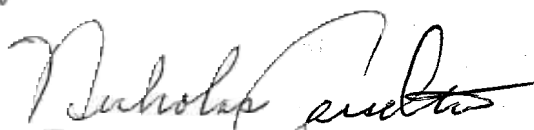
DATED: 10/20/10

BOARD OF PUBLIC UTILITIES
BY:


LEE A. SOLOMON
PRESIDENT


JEANNE M. FOX
COMMISSIONER


JOSEPH L. FIORDALISO
COMMISSIONER

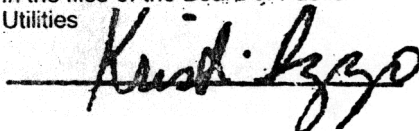

NICHOLAS ASSELTA
COMMISSIONER


ELIZABETH RANDALL
COMMISSIONER

ATTEST:

KRISTI IZZO
SECRETARY

I HEREBY CERTIFY that the within document is a true copy of the original in the files of the Board of Public Utilities



APPENDIX "I"
OFFICE OF CABLE TELEVISION
LINE EXTENSION POLICY

SERVICE ELECTRIC CABLE TV OF NEW JERSEY, INC.
TOWN OF NEWTON

A cable operator is required to absorb the cost of extensions to the system in the same proportion that the extension is to the remainder of the system.

Actual subscribers served by the extension are required to absorb the remainder of the cost.

If new subscribers are added to the extension the cost is adjusted and those who previously paid receive an appropriate rebate.

1. $\frac{\text{\# of homes in extension}}{\text{mileage of extension}} = \text{homes per mile (HPM) of extension}$
2. $\frac{\text{HPM of extension}}{\text{Minimum HPM that company actually constructs in the system *}} = \text{ratio of the density of the extension to the minimum density which the company constructs in the system ("A")}$
3. $\text{Total cost of building the extension times "A"} = \text{company's share of extension cost}$
4. $\text{Total cost of building extension less company's share of extension cost} = \text{total amount to be recovered from subscribers}$
5. $\frac{\text{Total amount to be recovered from subs}}{\text{Total subscribers in extension}} = \text{each subscriber's share}$

In any case, the company shall extend its plant along public rights of way to:

1. All residences and businesses within 150 aerial feet of the operator's existing plant at no cost beyond the normal installation rate.
2. All residences and businesses within 100 underground feet of the operator's plant at no cost beyond the normal installation rate.

* The minimum HPM that the company actually constructs in the system or municipality is the minimum number of homes that the company has historically constructed at its own cost. This is a function of the operator's break-even point and its rate of return. Unbuilt systems will use the primary service area rather than construction.

The operator's installation policies shall apply to construction beyond the public right of way.

Detailed accounting and/or financial information to support the minimum HPM shall be supplied to the Office for its approval in such form as required. The minimum HPM shall be updated as appropriate.

When a request for service is received, and unless good cause is shown, cable companies shall:

1. Provide a written estimate within 30 days of such a request.
2. Begin construction within 60 days of receipt of any deposit monies from potential subscribers.
3. Complete construction within six months of receipt of any deposit monies from potential subscribers.
4. Inform each home passed along the extension of the potential costs for subscribers.

Subscribers who pay for an extension shall be entitled to rebates in the following manner:

1. If the company acquires new subscribers subsequent to the initial calculation of step 5 above, the formula will be adjusted and those who have previously paid for the extension will be entitled to an appropriate rebate. In no event shall the amount of the rebate exceed the subscriber's contribution.
2. The company shall keep accurate records of the cost of the extension, the amounts paid by subscribers and any appropriate adjustments.
3. The company shall notify subscribers in the extension of their rights and responsibilities concerning the extension.
4. Once an individual dwelling has paid its share of the extension cost future reconnections or installations shall be made at the company's standard rates.
5. After a period of five years from the installation of the first dwelling unit in the extension no further adjustments shall be made. Installations after five years shall be at the company's standard rate.
6. Once a subscriber is installed, that person shall not normally be entitled to a refund of any monies paid for the installations, except in accordance with the rebate procedure outlined in this policy.

Definitions

Primary Service Area

The Primary Service Area (PSA) can be an entire municipality, but in many instances the PSA is a limited area within a community outside of which a line extension policy may apply. The PSA is depicted by a franchise map and narrative, presented and recorded during the franchise proceedings. It normally remains a fixed geographic area throughout the life of the franchise.

Line Extension Survey

Potential subscribers residing outside the PSA who request service are entitled to an estimate of their share of the cost to secure service. When conducting a survey and estimating costs, a cable company should factor in all potential subscribers who could practicably be included in the extension and give consideration to apparent residential construction in areas contiguous to the proposed extension.

SERVICE ELECTRIC CABLE TV OF NEW JERSEY, INC.
RENEWAL CERTIFICATE OF APPROVAL
TOWN OF NEWTON
DOCKET NO. CE10040297

SERVICE LIST

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Administrative Analyst I
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January 11, 2010

The regular meeting of the Town Council of the Town of Newton was held on the above date at 7:00 p.m. Present were Mrs. Unhoch, Mrs. Becker, Mrs. Le Frois, Mr. Ricciardo, Mayor Elvidge and Town Manager, Mr. Thomas Russo, Jr.

Mayor Elvidge made the following declaration that “in accordance with the Open Public Meetings Act, notice of this public meeting was given to the two newspapers of record and posted on the official bulletin board on December 31, 2009.”

Mayor Elvidge led the Invocation and the Pledge of Allegiance to the flag. The Clerk called the roll and upon completion of same, upon motion of Mr. Ricciardo, seconded by Mrs. Unhoch and unanimously carried, that the minutes of December 28, 2009 (Special) and December 28, 2009 (Regular) meetings were approved as presented.

PUBLIC

Mayor Elvidge opened the meeting to the public.

Mr. Tom Hoffman, a crossing guard in the Town of Newton, first commended the Newton Police for a fine job on the recent kidnapping incident in Newton. Mr. Hoffman addressed his concerns regarding only having one meeting a year with the crossing guards and suggested more meetings should be held for a better network among the crossing guards.

Council & Manager Reports

a. Principal Jim Tasker – Newton High School

Mr. Jim Tasker, Principal of Newton High School, attending tonight’s meeting to personally thank the Town Manager and Town Council for their support at a recent assembly on “cyber bullying”. Mr. Tasker felt that the students really gained a lot of knowledge from this assembly from the world-renowned speaker, Katie Koestner. Mr. Tasker commended the Town of Newton for all their efforts with the Newton Public Schools.

The Governing Body thanked Mr. Tasker for taking the time to attend the Council Meeting with his message.

b. Shade Tree Commission – Community Forestry Plan

Mrs. Debra Millikin, Deputy Town Manager, introduced members of the Shade Tree Commission, who made a presentation on the Community Forestry Plan. Present were Betsy VanOrden, Kent Hardmeyer, and John Craddock. Mr. Hardmeyer, Vice-Chairman, made a presentation and outlined the Community Forestry Plan. It was noted that this Plan was created with monies obtained through a grant and is considered to be the Master Plan of trees.

ORDINANCES

Mayor Elvidge directed the Clerk to read aloud the following Ordinance relative to final adoption.

ORDINANCE #2009-33

**AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE
TOWN OF NEWTON, IN THE COUNTY OF SUSSEX, NEW JERSEY,
ADOPTING AMENDMENTS TO THE SPARTA AVENUE
REDEVELOPMENT PLAN**

WHEREAS, the *Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq.* (the "Act"), authorizes municipalities to determine whether certain parcels of land in the municipality constitute areas in need of redevelopment; and

WHEREAS, to determine whether certain areas within the Town of Newton, in the County of Sussex, New Jersey (the "Town") constitute areas in need of redevelopment, the Town Council, by way of Resolution 56-2004 adopted April 26, 2004, authorized and directed the Planning Board (the "Planning Board") of the Town of Newton to conduct a preliminary investigation and public hearing to determine whether Block 1104, Lot 21 in the Town (the "Study Area" or the "Area") met the criteria set forth in *N.J.S.A. 40A:12A-5* and should be designated as an area in need of redevelopment; and

WHEREAS, on April 25, 2005, after review of the findings of the Planning Board in accordance with the Act, the Town designated Block 1104, Lot 21 as an "area in need of redevelopment" under the Act (the "Redevelopment Area"); and

WHEREAS, on April 23, 2007, the Town designated a portion of the Town, including the public streets and rights-of-way of Sparta Avenue, Merriam Avenue and Pine Street adjacent to the Redevelopment Area as an "area in need of rehabilitation" in accordance with the Act (the "Rehabilitation Area", and together with the Redevelopment Area, the "Plan Area"); and

WHEREAS, on March 23, 2009, after the review and comment of the Planning Board in accordance with the Act, the Town finally adopted Ordinance 2009-6 implementing a redevelopment plan for the Plan Area (the "Redevelopment Plan"); and

WHEREAS, by Resolution 232-2009 adopted November 9, 2009, the Town designated Thorlabs, Inc. ("Thorlabs") as Redeveloper for the Plan Area and authorized the execution of a redevelopment agreement (the "Redevelopment Agreement") with respect to the development of a mixed-use facility within the Plan Area, incorporating research and development, office space, manufacturing, ancillary parking, and infrastructure improvements (collectively, the "Project"); and

WHEREAS, in connection with the negotiation of the Redevelopment Agreement, the Redeveloper requested certain amendments to the Redevelopment Plan (the "Proposed Amendments"), which are attached hereto as Exhibit A; and

WHEREAS, by Resolution 239-2009 adopted November 23, 2009, the Town requested that the Planning Board review and comment on the Proposed Amendments to the Redevelopment Plan; and

WHEREAS, at a duly noticed and constituted public meeting of the Planning Board held on November 30, 2009, the Planning Board considered the Proposed Amendments; and

WHEREAS, after due consideration of the Proposed Amendments, the Planning Board, acting by Resolution, a copy of which is attached hereto as Exhibit B (the "Planning Board Resolution"), determined that they are consistent with the Town's Master Plan, and recommended to the Town Council that it adopt the Proposed Amendments; and

January 11, 2010

WHEREAS, the Planning Board Resolution constitutes the Planning Board's Report for the purposes of Section 7 of the Act;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX, AS FOLLOWS:

Section 1. The Proposed Amendments, as filed in the Office of the Town Clerk, and attached hereto as Exhibit A, are hereby approved. All other provisions of the Redevelopment Plan not expressly amended by the Proposed Amendments shall remain intact and in full force and effect.

Section 2. The zoning map and the zoning code of the Town of Newton are hereby amended to incorporate the provisions of the Proposed Amendments.

Section 3. This ordinance shall take effect as provided in law.

Mayor Elvidge declared the hearing on Ordinance #2009-33 open to the public.

There being no one from the public to be heard, upon motion by Mrs. Unhoch, seconded by Mrs. Becker and unanimously carried, the hearing was closed.

The following **ORDINANCE** was offered by Mr. Ricciardo, who moved its adoption, seconded by Mrs. Becker and roll call resulted as follows:

Mrs. Unhoch	Yes	Mrs. Becker	Yes
Mrs. Le Frois	Yes	Mr. Ricciardo	Yes
	Mayor Elvidge	Yes	

BE IT RESOLVED by the Town Council of the Town of Newton that the above Ordinance be adopted in its entirety according to law.

The Clerk will advertise the above Ordinance according to law.

Mayor Elvidge directed the Clerk to read aloud the following Ordinance relative to final adoption.

ORDINANCE #2009-34

AN ORDINANCE GRANTING MUNICIPAL CONSENT TO THE ISSUANCE OF A FRANCHISE TO SERVICE ELECTRIC CABLE T.V. OF NEW JERSEY, INC., TO CONSTRUCT, OWN, OPERATE, EXTEND AND MAINTAIN A CABLE TELEVISION SYSTEM IN THE TOWN OF NEWTON, COUNTY OF SUSSEX, SETTING FORTH CONDITIONS ACCOMPANYING THE GRANT OF SAID MUNICIPAL CONSENT AND PROVIDING FOR THE REGULATION AND USE OF SAID SYSTEM

BE IT ORDAINED by the Town Council of the Town of Newton, County of Sussex and State of New Jersey as follows:

SECTION 1. Introductory Provisions/ Purpose of the Ordinance.

The Municipality hereby grants to the company its non-exclusive consent to place in, upon, along, across, above, over and under the highway, streets, alleys, sidewalks, public ways, and public places in the Municipality, poles, wires, cables, and fixtures necessary for the maintenance and operation in the Municipality of a cable television system and cable

communications system. Construction, pursuant to said consent, is conditioned upon prior approval of the Board of Public Utilities.

SECTION 2. Definitions.

For the purposes of this Ordinance, the following terms, phrases, words and their derivations shall have the meaning given herein. Such meaning or definition of terms is supplemental to those definitions given by the Federal Communications Commission (F.C.C.) Rules and Regulations, 47 C.F.R. subsection 76.1 *et seq.*, and the Cable Communications Policy Act, 47 U.S.C. section 521 *et seq.*, as amended, and the Cable Television Act, N.J.S.A. 48:5A-1 *et seq.*, and shall in no way be construed to broaden, alter or conflict with federal or state definitions:

- (a) "Municipality" or "Town" is the Town of Newton, County of Sussex, State of New Jersey.
- (b) "Company" is the grantee of rights under this Ordinance and is known as Service Electric Cable T.V. of New Jersey, Inc.
- (c) "Act" or "Cable Television Act" is Chapter 186 of the General Laws of New Jersey, and subsequent amendment thereto, section 48:5A-1 *et seq.*

SECTION 3. Statement of Findings.

A public hearing concerning the consent herein granted to the Company was held, after proper public notice, on September 28, 2009, pursuant to the terms and conditions of the Act. Said hearing, having been held and fully open to the public, and the Municipality having received all comments regarding the qualifications of the Company to receive this consent, the Municipality hereby finds that the Company possesses the necessary legal, technical, character, financial, and other qualifications, and that the Company's operating and construction arrangements are adequate and feasible.

SECTION 4. Grant of Municipal Consent.

The Town hereby grants to the Company a non-exclusive consent to the issuance of a franchise by the New Jersey Board of Public Utilities to construct, erect, operate, modify and maintain, in, upon, along, across, above, over, and under the highways, streets, alleys, sidewalks, public ways and public places now laid out or dedicated and all extensions thereof and additions thereto, in the Town of Newton, such poles, wires, cables, underground conduits, manholes, and other television conductors and fixtures necessary for the maintenance and operation in the Town of a cable television system and cable communications system for the purpose of distributing television and radio signals, and other electronic impulses in order to furnish television and radio programs, and various communications and other electronic services to the public. The rights so granted include the right to use and occupy said highways, streets, alleys, public ways and public places, and all manner of easements for the purposes herein set forth and as provided by federal and state law, and are subject to the terms and conditions herein.

SECTION 5. Duration of Franchise.

The consent herein granted shall expire ten (10) years from the date of expiration of the previous Certificate of Approval as issued by the Board of Public Utilities (BPU). The Company further agrees to extend service to the entire Town and to build out all uncabled areas of the Town.

SECTION 6. Franchise Fee.

Pursuant to the terms and conditions of the Act, the Company shall, during each year of operation under the consent granted herein, pay to the Municipality two percent (2%) of the gross revenues from all recurring charges in the nature of subscription fees paid by subscribers to its cable television reception service in the Municipality, or any amount permitted by the Cable Television Act or otherwise allowable by law.

SECTION 7. Rates.

Rates shall be set by the New Jersey Board of Public Utilities as required by law or as otherwise specified by federal or state law, to the extent applicable.

SECTION 8. Town Remedies.

In the event the Company breaches its responsibilities herein, the Town reserves the right to seek redress administratively through the Board of Public Utilities, or at law in a court of competent jurisdiction.

The Company will restore any property damaged by the installation of its wires or facilities to its original condition at its own cost and expense. In the event it fails to so restore said property upon the receipt of thirty (30) days written notice by the Town to do so, the Town may withdraw a portion of the performance bond posted with the Town to compensate the owner for the restoration cost. In the event said funds are withdrawn, the Company shall restore the balance of the \$25,000.00 performance bond upon thirty (30) days written notice by the Town to do so.

SECTION 9. Territory.

The consent granted herein to the Company shall apply to the entirety of the Municipality, and any property hereafter annexed.

SECTION 10. Extension of Service.

The Company shall be required to proffer service to any persons, residents or business in conformance with its Tariff on file with the Office of Cable Television including any policies for non-standard installations.

SECTION 11. Construction Requirements.

Restoration: In the event that the Company or its agents shall disturb any pavement, streets, surfaces, sidewalks, driveways or other surfaces in the natural topography, the Company shall, at its sole expense, restore and replace such places or things so disturbed to as good a condition as existed prior to the commencement of said work.

Relocation: If at any time during the period of this consent, the Municipality shall alter or change the grade of any street, alley or other way or place, the Company, upon reasonable notice by the Municipality, shall remove, re-lay and relocate its equipment, at the expense of the Company.

The Company shall temporarily move or remove appropriate parts of its facilities to allow for the moving of buildings, and machinery, or in other similar circumstances. The expense shall be borne by the party requesting such action, except when required by the Municipality, in which case the Company shall bear the cost.

Removal or Trimming of Trees: During the exercise of its rights and privileges under this franchise, the Company shall have the authority to trim trees upon and overhanging streets, alleys, sidewalks and public places of the Municipality, so as to prevent the branches of such trees from coming in contact with the wires and cables of the Company. Such trimming shall be only to the extent necessary to maintain proper clearance for the Company's facilities.

SECTION 12. Local Office.

During the term of this franchise, and any renewal thereof, the Company shall maintain a local business office in Sussex County for the purpose of receiving, investigating and resolving all complaints regarding the quality of service, equipment, malfunctions, and similar matters. Such local business office shall be staffed from 8:00 a.m. to 8:00 p.m. Monday through Friday, and from 8:00 a.m. to 12:00 p.m. on Saturday.

The Office of Cable Television is hereby designated as the complaint officer for the Municipality, pursuant to N.J.S.A. 48:5a-25(b).

All complaints shall be received and processed in accordance with N.J.A.C. 14:17-7.1.

SECTION 14. Performance Bond.

During the life of the franchise, the Company shall give bond to the Municipality, which bond shall be in the amount of \$25,000.00.

Such bond shall be to insure the faithful performance of all undertakings of the Company as represented in its Application and incorporated herein.

SECTION 15. Local Programming and Public Educational and Governmental Access.

The Company shall provide public, educational, and governmental (PEG) access channels and facilities in accordance with its Application for Renewal of Municipal Consent.

SECTION 16. Discounted Services to Municipality.

The Company shall provide services in accordance with its Tariff for Cable Television Service approved by the Board of Public Utilities on January 1, 2009.

In addition, the Company shall provide the following services to the Town free of charge:

1. Three (3) cable connections for the Newton Police Department.
2. Five (5) cable connections for the Newton Fire Departments.
3. Twenty-four (24) classroom cable connections for Halsted Middle School.
4. Thirty (30) classroom cable connections for Merriam Avenue School.
5. Twelve (12) cable connections for St. Joseph's School.
6. One (1) cable connection for Dennis Library.
7. One (1) cable connection for 20 Mill Street, Newton.
8. Three (3) cable connections for Newton Town Hall.
9. Four (4) cable connections for the Newton Department of Public Works.
10. Two (2) cable connections for Newton Water Department.
11. Two (2) cable connections for Newton Sewer Department.
12. One (1) cable connection for the Main Street Newton Office.
13. Two (2) cable connections for the Newton Fire Museum.

All standard installation charges apply.

Also, the Company shall provide the following services to the Town:

- A. One (1) high speed internet connection for the Main Street Newton Office at cost.
- B. One (1) high speed internet connection for the Newton Fire Museum at cost.

SECTION 17. Programming.

Although nothing herein shall require the Company to carry or transmit any particular television stations or programming source, the Company shall provide the subscribers in the Town with at least the same broad categories of programming, in approximately the same quantity, as are now provided, and which appear in the Application for Municipal Consent.

SECTION 18. Liability Insurance.

The Company agrees to maintain and keep in full force and effect, at its sole expense, at all times during the term of this consent, sufficient liability insurance naming the Municipality as an insured and insuring against loss by any such claim, suit, judgment, execution or demand, in the minimum amount of one million dollars (\$1,000,000.00) combined single limit for bodily injury or death to one person and five hundred thousand dollars (\$500,000.00) for property damage resulting from any one accident.

The contractor building the cable television lines shall file a worker's compensation certificate of insurance with the Town Clerk prior to commencing the work.

SECTION 19. Filing with Town Engineer.

The Company shall cause all construction plans relating to work on any extensions of its plant, or work which could have significant impact on public works within the Town, to be filed with the Town Engineer's Office.

SECTION 20. Activities Prohibited.

The Company shall not allow its cable or other operations to interfere with television reception or persons not served by the Company, nor shall the system interfere with, obstruct or hinder in any manner, the operation of the various utilities serving the residents of the Town.

SECTION 21. Incorporation of the Application.

All of the commitments and statements contained in the Application and any amendment thereto submitted in writing to the Municipality by the Company, except as modified herein, are binding upon the Company as terms and conditions of this consent. The Application and any other relevant writings submitted by the Company shall be annexed hereto and made a part hereof by reference, as long as it does not conflict with state or federal law.

SECTION 22. Separability.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court, or federal or state agency of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not effect the validity of the remaining portions hereof.

SECTION 23. Consistency with Future Federal and State Statutes, Regulations, Rules and Orders.

Should any of the Federal or State Acts, Regulations, or pronouncements applicable to the regulation of cable television service be modified in any way, such modification, to the extent it embodies required terms and conditions, and meaningfully can be incorporated into this Ordinance, shall be so incorporated, consistent with any applicable effective dates specified in such modification. To the extent that any such modification(s) place(s) limits on permissible terms and conditions, and any provision of this Ordinance becomes invalid by virtue of such modification(s), the preceding section, **SECTION 22**, shall apply.

SECTION 24. Effective Date of Consent.

This Ordinance shall take effect upon its final passage and publication according to law.

There being no one else from the public to be heard, upon motion by Mr. Ricciardo, seconded by Mrs. Becker and carried, the hearing was closed.

Upon motion of Mr. Ricciardo, seconded by Mrs. Becker and carried, roll call resulted as follows:

Mrs. Unhoch	Yes	Mrs. Becker	Yes
Mrs. Le Frois	Yes	Mr. Ricciardo	Yes
	Mayor Elvidge	Yes	

OLD BUSINESS

There was no Old Business to discuss.

CONSENT AGENDA

Mayor Elvidge read the following statement:

“All items listed with an asterisk (*) are considered to be routine and non-controversial by the Town Council and will be approved by one motion. There will be no separate discussion of these items unless a Council member so requests, in which case the item will be removed from the Consent Agenda and considered in its normal sequence on the Agenda.”

RESOLUTION #01-2010*

TO CANCEL GENERAL CAPITAL APPROPRIATION BALANCES OF COMPLETED PROJECTS

WHEREAS, certain General Capital Improvement appropriation balances remain dedicated to projects now completed; and

WHEREAS, it is necessary to formally cancel said balances so that the unexpended balances may be returned to each respective Capital Improvement Fund or credited to Fund Balance, and unused debt authorizations may be canceled;

NOW, THEREFORE BE IT RESOLVED, by a majority of the full membership of the Town Council of the Town of Newton, that the following unexpended and dedicated balances of General Capital appropriations be canceled:

<u>Ordinance Number</u>	<u>Date Auth.</u>	<u>Project Description</u>	<u>Amount Cancelled</u>	
			<u>Funded</u>	<u>Unfunded</u>
2004-9	5/24/04	Green Ridge Development Improvements	\$4,852.91	
2006-15	6/12/06	Sparta Ave Sidewalks	\$8,623.74	
2006-15	6/12/06	Trinity Drainage/Merriam Curbing	\$11,321.69	

RESOLUTION #02-2010*

APPROVE 2009 APPROPRIATION TRANSFERS

BE IT RESOLVED by the Town Council of the Town of Newton that the following 2009 appropriation reserve transfers be approved effective this date:

<u>From</u>	<u>To</u>	<u>Amount</u>
Road OE 1080256A	Snow SW 1081102A	\$3,850.
Misc. Operating OE 1079200A	Snow SW 1081102A	\$1,000.
Emergency Mgmt SW 1078100A	Snow SW 1081102A	\$500.
Building & Grounds SW 1061101A	Snow SW 1081102A	\$950.
Senior Citizen SW 1093100A	Snow SW 1081102A	\$1,400.
Police OE 1074226A	Police SW 1074112A	\$9,850.
TOTAL		\$17,550.

RESOLUTION #03-2010*

AUTHORIZE EXECUTION OF AN AGREEMENT BETWEEN THE TOWN OF NEWTON AND THE NEWTON PARKING AUTHORITY

January 11, 2010

WHEREAS, on January 15, 1982, the Town Council of the Town of Newton adopted an Ordinance authorizing the execution of an agreement with the Newton Parking Authority for the purpose of dedicating revenue from certain parking meters to said Parking Authority; and

WHEREAS, such agreements between governmental agencies and authorities may be extended each year by adoption of a Resolution of the Governing Body; and

WHEREAS, at a regular meeting of the Newton Parking Authority conducted on January 7, 2010, the members of the Authority approved an appropriate agreement for calendar year 2010 and authorized the Chairman and the Secretary to execute said agreement;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that the Mayor and the Municipal Clerk are hereby authorized to execute said agreement with the Newton Parking Authority, dedicating revenue from certain parking meters to said Authority and describing certain services to be performed on behalf of the Authority by the Town of Newton during calendar year 2010.

RESOLUTION #04-2010*

APPOINTMENT OF ANDREW A. FRASER, ESQ., AS THE TOWN OF NEWTON'S ALTERNATE MUNICIPAL PROSECUTOR FOR THE CALENDAR YEAR 2010

WHEREAS, Victor R. Jusino, Esq., is currently serving as the Town of Newton's Municipal Prosecutor, has indicated that an Alternate Municipal Prosecutor may be needed by the Town of Newton during calendar year 2010; and

WHEREAS, Andrew A. Fraser Esq., an associate in Mr. Jusino's office, has expressed an interest in serving as Newton's Alternate Municipal Prosecutor; and

WHEREAS, compensation for said services will be the sole responsibility of Victor R. Jusino, Esq.; and

WHEREAS, legal services is a professional service as defined by the Local Public Contracts Law and is, therefore, exempt from public bidding requirements in accordance with N.J.A.C. 40A:11-5(1)(a)(i);

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that it hereby appoints Andrew A. Fraser, Esq. as the Town of Newton's Alternate Municipal Prosecutor for the calendar year 2010;

BE IT FURTHER RESOLVED, that a certified copy of this Resolution be forwarded to Andrew A. Fraser, Esq., Victor R. Jusino, Esq., David J. Weaver, Sussex County Prosecutor and Municipal Judge John E. Mulhern.

RESOLUTION #05-2010*

APPROVE BILLS AND VOUCHERS FOR PAYMENT

BE IT RESOLVED by the Town Council of the Town of Newton that payment is hereby approved for all vouchers that have been properly authenticated and presented for payment, representing expenditures for which appropriations were duly made in the 2008 and 2009 Budgets adopted by this local Governing Body, including any emergency appropriations, and where unexpended balances exist in said appropriation accounts for the payment of such vouchers.

TOWN BILLS

245.08	Payroll Account	910093
69.36	Payroll Agency Account	910094
106.12	Quill Corporation	26391
267.97	Staples Credit Plan	26392
448.65	Montague Tool & Supply	26393

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90.00	S K Office Supply	29394
60.00	ABCODE Security	29395
156.25	Sussex Car Wash, Inc.	29396
10.77	G & G Diesel Service, Inc.	29397
2,448.73	G & H Service, Inc.	29398
15,990.75	Jersey Central Power & Light	29399
179.90	SCMUA	29400
45.00	Sussex County Plumbing	29401
121.18	CenturyLink-EROOC Scanning	29402
250.00	CenturyLink-EROOC Scanning	29403
35.00	CenturyLink-EROOC Scanning	29404
963.98	Rowe & Company, Inc.	29405
2,568.40	Delta Dental	29406
3,344.96	Delta Dental	29407
355.36	Beaver Run Farms	29408
108.30	Campbell's Small Engine	29409
58.09	Tri-State Rentals, Inc.	29410
1,079.07	Hayek's Market, Inc.	29411
332.17	ZEP Manufacturing Company	29412
90.25	Lawyers Diary & Manual	29413
100.00	Scott Holzhauer	29414
14.00	Peter J. Kays	29415
25.00	James Sisco	29416
25.00	Thomas Straway	29417
2,401.25	Willco, Inc.	29418
330.00	Newton Citgo	29419
14.00	William F. Smith	29420
200.00	Treasurer, State of New Jersey	29421
7.00	William Hagaman	29422
175.00	Minisink Press, Inc.	26423
33.98	Ann M. Rosellen	26424
675.20	Diamond Sand & Gravel, Inc.	26425
357.45	Sebring Auto Parts	26426
1,102.00	Zee Medical	26427
1,319.00	Treasurer, State of NJ DCA	26428
60.48	West Chester Machinery	26429
15.00	Efinger	26430
2,796.58	Boonton Tire Supply	26431
70.33	McGuire	26432
857.06	Vision Service Plan	26433
545.50	Grinnell Recycle	26434
185.14	Verizon Wireless	26435
560.00	Accurate Door, Inc.	26436
206.85	Orr's	26437
312.50	Alternate Power Inc.	26438
192.88	Cooper Electric Supply Co.	26439
17,500.00	Holzhauer & Holenstein, LLC	26440
25.77	Advance Commercial	26441
17.09	Paint Spot	26442
808.00	Newton Fire Department	26443
724.00	continental Fire & Safety, Inc.	26444
523.28	Staples Business Advantage	26445
2,316.78	Chemung Supply Corp.	26446
753.06	Lowe's	26447
7,550.35	Spectrum Communications	26448
48.00	CSS Test	26449
66.33	Dominick's Pizza	26450
14.31	Nestle Waters	26451
14.00	Steve Estler	26452
25.00	Roy Leyman	26453
1,491.67	Andrews & Company, LLC	26454
50.00	Treasurer, State of NJ-Burial	26455

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3,595.46	Rachles/Michele's Oil Company	26456
2,743.09	Taylor Oil Co.	26457
23.00	Adam Vough	26458
2,079.32	Kieffer Electric, Inc.	26459
228.76	County of Sussex	26460
1,464.62	Tony Sanchez, LTD.	26461
3,836.76	Schuster Telecom Auditors LLC	26462
1,170.00	Knapp, Trimboli & Prusinowski, LLC	26463
876.77	Penteledata	26464
21.87	Jeannette Congdon	26465
587.22	Dultmeier Sales	26466
1,100.00	Allen Paper & Supply Co.	26467
1,441.00	Penguin Communication, LLC	26468
8,497.40	Water & Sewer Operating Acct.	26469

CAPITAL

500.00	NJEDA	7478
76,500.00	Timmerman Company	7479
246.76	J & D Sales and Service	7480
184.66	The Home Depot	7481
2,300.00	Key-Tech	7482
94.85	Sign-A-Rama	7483
1,963.00	Penteledata	7484
18,208.75	Current Account	7485

Total TOWN BILLS \$201,597.47

WATER AND SEWER ACCOUNT

3,002.75	Schmidt's Wholesale, Inc.	11230
1,835.14	Lee Company	11231
86.25	G & H Service, Inc.	11232
20,302.99	Jersey Central Power & Light	11233
12,170.35	Pumping Services	11234
55.50	Sussex County Plumbing	11235
7.00	Paul M. Havens	11236
9,854.74	Coyne Chemical Corp., Inc.	11237
125.85	CenturyLink-EROC Scanning	11238
715.68	Delta Dental	11239
27.00	Allied Meter Service, Inc.	11240
16.00	Ervin Lasso	11241
581.76	Limecrest Quarry (CEMEX)	11242
143.94	Vision Service Plan	11243
1,600.00	ORR's	11244
14,364.00	Passaic Valley Sewerage Comm.	11245
945.00	Main Pool & Chemical Company	11246
1,647.50	Alternate Power Inc.	11247
101.82	Advance Commercial	11248
2,057.95	Suburban Energy Services	11249
260.00	Process Tech Sales & Service	11250
252.11	Staples Business Advantage	11251
962.50	Andy Matt, Inc.	11252
209.30	Accurate Waste Removal	11253
5,200.00	D2L Associates, Inc.	11254
2,913.00	APC Sales & Service Corporation	11255
1,900.00	HCP Consulting Group LLC	11256
106.20	Treasurer, State of NJ	11257
422.65	Leanne Holderith	11258
25,000.00	Water & Sewer Capital Account	11259

Total WATER & SEWER BILLS \$106,842.98

TRUST ACCOUNT

487.95	Payroll Account	971027
8,336.60	Harold Pellow & Assoc., Inc.	2735
270.00	Hollander, Hontz, Hinkes & Pasculli, LLC	2736
60.00	Minisink Press, Inc.	2737
765.00	Vogel, Chait, Collins, Schneider, PC	2738
1,125.00	Colleen Cunningham, Esq.	2739
167.44	4Imprint	2740
5,361.25	Current Account	2741
5,253.34	Current Account	2742

Total TRUST ACCOUNT BILLS \$21,826.58

A motion was made by Mrs. Becker to approve the **COMBINED ACTION RESOLUTIONS**, seconded by Mr. Ricciardo and roll call resulted as follows:

Mrs. Unhoch	Yes	Mrs. Becker	Yes
Mrs. Le Frois	Yes	Mr. Ricciardo	Yes
	Mayor Elvidge	Yes	

DISCUSSION

A. Truck Parking – Cory Stoner of HPA

Mr. Cory Stoner, P.E., of Harold E. Pellow & Associates, Inc., outlined his study on the best location for the parking of box trucks and tractor trailers. Mr. Stoner provided two options which are located at the park-n-ride at the end of South Park Drive. He noted that this location is underutilized, well lit and frequently patrolled by the Newton Police Department. After a lengthy discussion, the consensus of the Town Council was to choose Option 2, which would utilize the northwestern corner of the existing lot for the parking of box trucks and tractor trailers. Mr. Russo will prepare an Ordinance.

B. Budget Hearing Dates

Mr. Russo addressed Council with two dates, January 30, 2010 at 9 a.m. and February 4, 2010 at 6:00 p.m., in order to hold the annual budget hearings with the Governing Body. Mr. Russo outlined the agendas for both days. After a brief discussion, the Governing Body agreed with the two dates and Mrs. Read will advertise accordingly.

Mr. Russo asked Council for their input on the draft letter to be forwarded to the Castle Ridge residents. After a brief discussion, Council agreed with the letter, with two addendums, 1) that the trees be located in front yard and 2) that the reimbursement is for the cost of trees only.

Mr. Russo inquired whether the Council would support a Resolution requesting that the Town be able to establish Municipal Service Fees to be paid by students attending Colleges and

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Universities within the Municipality and the Council was not for such a Resolution.

Mr. Russo also addressed the Bill which would allow Non-Partisan Municipal Elections, held in May, to be moved to November, which is the General Election. The Council strongly opposed the idea of this Bill and feels that the non-partisan form of government, with municipal elections in May, is the best form of government for Newton.

OPEN TO THE PUBLIC

Mayor Elvidge opened the meeting to the public.

Mr. Kent Hardmeyer, 70 Pine Street, noting the passage of Ordinance 2009-34, questioned whether Service Electric Cable TV could provide an 'a la carte channel selection and Council recommended he contact SECTV directly.

Mr. Tom Hoffman, a Newton Crossing Guard, inquired whether an incident report could be generated for any incidents that may occur with the crossing guards. He feels that there is no formal process in which to generate an incident report.

COUNCIL & MANAGER COMMENTS

Councilwoman Unhoch reported that the Prime Time Seniors have been asked not to attend a Town Council meeting to inquire about a Senior Citizen Center. Mrs. Unhoch advised the seniors that if a center comes to fruition, that it would be a Community Center for everyone.

A brief discussion was held on a few other possibilities on locations for a Community Center and it was suggested that further discussion can be held after the budget hearings.

There being no further business to be conducted, upon motion of Mrs. Le Frois, seconded by Mrs. Becker and unanimously carried, the meeting was adjourned at 8:12 p.m.

Respectfully submitted,

Lorraine A. Read, RMC
Municipal Clerk

**TOWN OF NEWTON
ORDINANCE 2020-3**

**AN ORDINANCE GRANTING MUNICIPAL CONSENT TO THE ISSUANCE OF A
FRANCHISE TO SERVICE ELECTRIC CABLE T.V. OF NEW JERSEY, INC., TO
CONSTRUCT, OWN, OPERATE, EXTEND, AND MAINTAIN A CABLE TELEVISION
SYSTEM IN THE TOWN OF NEWTON, NEW JERSEY, COUNTY OF SUSSEX, SETTING FORTH
CONDITIONS ACCOMPANYING THE GRANT OF SAID MUNICIPAL CONSENT
AND PROVIDING FOR THE REGULATION AND USE OF SAID SYSTEM AND REVISING
CHAPTER A326, CABLE TELEVISION FRANCHISE, OF THE TOWN OF NEWTON CODE**

WHEREAS, Service Electric Cable T.V. of New Jersey, Inc. ("SECTV") was granted a non-exclusive consent for the issuance of a franchise by the Town of Newton and the New Jersey Board of Public Utilities to construct, erect, operate, modify and maintain in, upon, along, across, above, over and under the highways, streets, alleys, sidewalks, public ways and public areas within the Town of Newton for the maintenance and operation in the Town of Newton of a cable television system for ten (10) years, after a public hearing before the Newton Town Council on September 28, 2009, via Town of Newton Ordinance No. 2009-34; and

WHEREAS, SECTV filed an application for renewal of its municipal consent to own, operate, extend to maintain a cable television and cable communications system in the Town of Newton; and

WHEREAS, the Town of Newton authorized the adoption of the Cable Franchise Ascertainment Report of SECTV, dated February 11, 2019, via Resolution No. 68-2019, after the Town of Newton conducted ascertainment proceedings; and

WHEREAS, the Town of Newton held a public hearing on SECTV's Cable T.V. Franchise application on December 9, 2019; SECTV appeared and the public was heard, and the Town Attorney was directed to prepare an ordinance, granting municipal consent to SECTV.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Newton, County of Sussex, State of New Jersey, that Chapter A326, Cable Television Franchise, shall be deleted in its entirety and replaced as follows:

Chapter A326 Cable Television Franchise

A326-1. Introductory Provisions/Purpose of the Ordinance.

The Town of Newton (the "Municipality") hereby grants to Service Electric Cable T.V. of New Jersey, Inc. (the "Company") its non-exclusive consent to place in, upon, along, across, above, over and under the highway, streets, alleys, sidewalks, public ways, and public places in the Municipality, poles, wires, cables, and fixtures necessary for the maintenance and operation in the Municipality of a cable television system and cable communications system. Construction, pursuant to said consent, is conditioned upon prior approval of the Board of Public Utilities.

A326-2. Definitions.

For the purposes of this Ordinance, the following terms, phrases, words and their deviations shall have the meaning given herein. Such meaning or definition of terms is supplemental to those definitions given by the Federal Communications Commission (FCC) Rules and Regulations, 47 C.F.R. subsection 76.1, et seq., and the Cable Communications Policy Act, 47 U.S.C. section 521 et seq., as amended and the Cable Television Act, N.J.S.A. 48:5A-1 et seq., and shall in no way be construed to broaden, alter or conflict with federal or state definitions:

- (a) "Municipality" or "Town" is the Town of Newton, County of Sussex, State of New Jersey.
- (b) "Company" is the grantee of rights under this Ordinance and is known as Service Electric Cable T.V. of New Jersey, Inc. ("SECTV")
- (c) "Act" or "Cable Television Act" is Chapter 186 of the General Laws of New Jersey, and subsequent amendment thereto, N.J.S.A. 48:5A-1 et seq.

A326-3. Statement of Findings.

A public hearing concerning the consent herein granted to the Company was held, after proper public notice, on December 9, 2019, pursuant to the terms and conditions of the Act. Said hearing, having been held and fully open to the public, and the Municipality having received all comments regarding the qualifications of the Company to receive this consent, the Municipality hereby finds that the Company possesses the necessary legal, technical, character, financial, and other qualifications, and that the Company's operating and construction arrangements are adequate and feasible.

A326-4. Grant of Municipal Consent.

The Town hereby grants to the Company consent to the issuance of a non-exclusive franchise by the New Jersey Board of Public Utilities to construct, erect, operate, modify and maintain, in, upon, along, across, above, over, and under the highways, streets, alleys, sidewalks, public ways and public places now laid out or dedicated and all extensions thereof and additions thereto, in the Town of Newton, such poles, wires, cables, underground conduits, manholes, and other television conductors and fixtures necessary for the maintenance and operation in the Town of a cable television system and cable communications system for the purpose of distributing television and radio signals, and other electronic impulses in order to furnish television and radio programs, and various communications and other electronic services to the public. The rights so granted include the right to use and occupy said highways, streets, alleys, sidewalks, public ways and public places, and all manner of easements for the purposes herein set forth and as provided by federal and state law, and are subject to the terms and conditions herein.

A326-5. Duration of Franchise.

The consent herein granted shall expire ten (10) years from the date of expiration of the previous Certificate of Approval, as issued by the Board of Public Utilities (BPU).

A326-6. Franchise Fee.

Pursuant to the terms and conditions of the Act, the Company shall, during each year of operation under the consent granted herein, pay to the Municipality two (2%) percent of the gross revenues from all recurring charges in the nature of subscription fees paid by subscribers to its cable television reception service in the Municipality, or any amount permitted by the Cable Television Act or otherwise allowable by law.

A326-7. Rates

In accordance with N.J.S.A. 48:5A-11, the Board of Public Utilities, through the Office of Cable Television, shall, consistent with federal law, prescribe just and reasonable rates, charges and classifications for the services rendered by a cable television provider. The Town acknowledges that under the Act, municipalities do not have the authority to regulate the rates the Company charges subscribers for its services.

A326-8. Town Remedies

In the event that either the Company and/or the Town breaches its responsibilities herein, both parties reserve the right to seek redress and/or to present a defense, administratively through the Board of Public Utilities, or at law in a court of competent jurisdiction.

A326-8. Territory

The consent granted herein to the Company shall apply to the entirety of the Municipality, and any property hereafter annexed.

A326-9. Extension of Service

The Company shall be required to proffer service to any persons, residents or business in conformance with its Tariff on file with the Office of Cable Television, including any policies for line extension and/or non-standard installations.

A326-10. Construction Requirements

- A. Restoration: In the event that the Company or its agents shall disturb any pavement, streets, surfaces, sidewalks, driveways or other surfaces in the natural topography, the Company shall, at its sole expense, restore and replace such places or things so disturbed to as good a condition as existed prior to the commencement of said work.

- B. Relocation: If at any time during the period of this consent, the Municipality shall alter or change the grade of any street, alley, or other way or place, the Company, upon reasonable notice by the Municipality, shall remove, re-lay, and relocate its equipment, at the expense of the Company.

The Company shall temporarily move or remove appropriate parts of its facilities to allow for the moving of buildings, and machinery, or in other similar circumstances. The expense shall be borne by the party requesting such action, except when required by the Municipality, in which case the Company shall bear the cost.

- C. Removal or Trimming of Trees: During the exercise of its rights and privileges under this franchise, the Company shall have the authority to trim trees upon and overhanging streets, alleys, sidewalks, and public places of the Municipality, so as to prevent the branches of such trees from coming into contact with the wires and cables of the Company. Such trimming shall be only to the extent necessary to maintain proper clearance for the Company's facilities.

A326-11. Local Office

During the term of this franchise, and any renewal thereof, the Company shall maintain a local business office in Sussex County for the purpose of receiving, investigating and resolving all complaints regarding the quality of service, equipment, malfunctions, and similar matters. Said local business office shall be open during normal business hours, and in no event less than 9:00 a.m. to 5:00 p.m. Monday through Friday, except on holidays.

A326-12. Municipal Complaint Officer

The Office of Cable Television is hereby designated as the complaint officer for the Municipality, pursuant to N.J.S.A. 48:5A-26(b).

All complaints shall be received and processed in accordance with N.J.A.C. 14:17-6.1, et seq.

A326-13. Performance Bond

During the life of the franchise, the Company shall give bond to the Municipality, which bond shall be in the amount of \$25,000.00.

A326-14. Local Programming and Public Educational and Governmental Access

The Company shall provide public, educational, and governmental (PEG) access channels and facilities in accordance with its Application for Renewal of Municipal Consent.

A326-15. Discounted Services to Municipality

The Company shall provide services in accordance with its Tariff for Cable Television Service approved by the Board of Public Utilities.

In addition, the Company shall provide the following services to the Town, free of charge:

1. Three (3) cable connections for the Newton Police Department;
2. Eight (8) cable connections for the existing Newton Fire Department and buildings;
3. Twenty-four (24) classroom cable connections for Halstead Middle School;
4. Thirty (30) classroom cable connections for Merriam Avenue School;
5. Five (5) cable connections for Newton High School;
6. Two (2) cable connections for Dennis Library;
7. Three (3) cable connections for Newton Town Hall;
8. Four (4) cable connections for the Newton Department of Public Works;
9. Two (2) cable connections for the Newton Water Department;
10. Two (2) cable connections for the Newton Sewer Department;
11. Two (2) cable connections for the Newton Fire Museum; and
12. Two (2) cable connection for the Newton First Aid Squad.

The complimentary services provided herein are for expanded basic cable service only. All subscribers, including those set forth herein, shall be fully responsible for the cost associated with any installation of service and with each digital box and/or other equipment that the subscriber maintains, which fees are determined by the Company in accordance with the type of digital box(es) and/or other equipment that the subscriber maintains.

A326-16. Programming

Although nothing herein shall require the Company to carry or transmit any particular television stations or programming source, the Company shall provide the subscribers in the Town with at least the same broad categories of programming, in approximately the same quantity, as are now provided, and which appear in the Application for Municipal Consent.

A326-17. Liability Insurance

The Company agrees to maintain and keep in full force and effect, at its sole expense, at all times during the term of this consent, sufficient liability insurance naming the Municipality as an insured and insuring against loss by any such claim, suit, judgment, execution or demand, in the minimum amount of one million dollars (\$1,000,000.00) combined single limit for bodily injury or death to one person, five hundred thousand (\$500,000.00) for property damage resulting from any one accident, and an excess liability (or umbrella) policy in the amount of ten million dollars (\$10,000,000.00).

The contractor building the cable television lines shall file a worker's compensation certificate of insurance with the Town Clerk prior to commencing the work.

A326-18. Filing with Town Engineer

The Company shall cause all construction plans relating to work on any extension of its plant, or work which could have significant impact on public works within the Town, to be filed with the Town Engineer's Office.

A326-19. Activities Prohibited

The Company shall not allow its cable or other operations to interfere with television reception or personal not served by the Company, nor shall the system interfere with, obstruct or hinder in any manner, the operation of the various utilities serving the residents of the Town.

A326-20. Public Meetings

SECTV agrees that public meetings shall be held upon Town request, up to a maximum of one (1) public meeting per year, to review the services provided by SECTV and any concerns raised by the Town and/or its residents. SECTV agrees to attend and participate in such public meetings.

A326-21. Incorporation of the Application

All of the commitments and statements contained in the Application and any amendment thereto submitted in writing to the Municipality by the Company, except as modified herein, are binding upon the Company as terms and conditions of this consent. The Application and any other relevant writings submitted by the Company shall be annexed hereto and made a part hereof by reference, as long as it does not conflict with state or federal law.

A326-22. Severability

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court, or federal or state agency of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

A326-23. Consistency with Future Federal & State Statutes, Regulations, Rules & Orders

Should any of the Federal or State Acts, Regulations, or pronouncements applicable to the regulation of cable television service be modified in any way, such modification, to the extent it embodies required terms and conditions, and meaningfully can be incorporated into this Ordinance, shall be so incorporated, consistent with any applicable effective dates specified in such modification. To the extent that any such modification(s) places(s) limits on permissible terms and conditions, and any provision of this Ordinance becomes invalid by virtue of such modification(s), the preceding section, SECTION 22, shall apply.

A326-24. Effective Date of Consent

This Ordinance shall take effect upon its final passage and publication according to law.

NOTICE

TAKE NOTICE that the above Ordinance was introduced at a regular meeting of the Town Council of the Town of Newton conducted on Monday, February 24, 2020. It was adopted, after final reading and public hearing thereon, at a regular meeting of the Newton Governing Body conducted at 7:00pm on Monday, March 9, 2020, in the Council Chambers at the Newton Municipal Building, 39 Trinity Street, Newton, New Jersey, and shall take effect according to law.



Lorraine A. Read, RMC
Municipal Clerk



November 5, 2020

Teresa Ann Oswin
Municipal Clerk
Town of Newton
39 Trinity Street
Newton, NJ 07860

Dear Ms. Oswin:

On July 3, 2020, CSC TKR, LLC, a subsidiary of Altice USA, Inc. (collectively "Altice") acquired the assets of Service Electric Cable T. V. of New Jersey, Inc. including the franchise and cable system in the Town of Newton ("Town"). Pursuant to NJSA 48:5A-24, Altice hereby accepts issuance of the municipal consent for the construction, operation and maintenance of a cable television system within the Town as set forth in Ordinance No. 2020-3, adopted on March 9, 2020, with all of the terms and conditions thereof as approved by the Town Council. Altice will file a petition for a certificate of approval of this franchise renewal with the New Jersey Board of Public Utilities.

Altice looks forward to a harmonious working relationship with the Town of Newton and to serving its residents.

Sincerely,

A handwritten signature in black ink, appearing to read "Patrick Hayes", written over a horizontal line.

Patrick Hayes
Senior Vice President, Government Affairs

cc: New Jersey Office of Cable Television and Telecommunications
Robert Hoch, Altice USA
Marilyn Davis, Altice USA

Altice USA
1 Court Square West, 49th Floor
Long Island City, NY 11101
516-803-2300

Shirley Michael

From: TrackingUpdates@fedex.com
Sent: Monday, November 09, 2020 2:07 PM
To: Shirley Michael
Subject: FedEx Shipment 772003385531 Delivered

This tracking update has been requested by:

Company Name: Cablevision
Name: Shirley Michael
E-mail: smichael@cablenj.org

Our records indicate that the following shipment has been delivered:

Reference: MCA
Ship date: Nov 6, 2020
Signed for by: M.MAURO
Delivery location: Newton, NJ
Delivered to: Residence
Delivery date: Mon, 11/9/2020 2:01 pm
Service type: FedEx Standard Overnight®
Packaging type: FedEx® Envelope
Number of pieces: 1
Weight: 0.50 lb.
Special handling/Services: Deliver Weekday
Residential Delivery
Standard transit: 11/9/2020 by 4:30 pm
Tracking number: 772003385531

Shipper Information	Recipient Information
Shirley Michael	Teresa Ann Oswin
Cablevision	Town of Newton
124 W. State St	39 Trinity Street
Trenton	Newton
NJ	NJ
US	US
08608	07860

Please do not respond to this message. This email was sent from an unattended mailbox. This report was generated at approximately 1:06 PM CST on 11/09/2020.

SCHENCK, PRICE, SMITH & KING, LLP
220 Park Avenue
P.O. Box 991
Florham Park, NJ 07932
(973) 539-1000
Attorneys for Petitioner, CSC TKR, LLC

STATE OF NEW JERSEY
BOARD OF PUBLIC UTILITIES
OFFICE OF CABLE TELEVISION AND TELECOMMUNICATIONS

IN THE MATTER OF THE APPLICATION OF :
CSC TKR, LLC FOR RENEWAL OF A :
CERTIFICATE OF APPROVAL TO CONTINUE :
TO OPERATE AND MAINTAIN A CABLE :
SYSTEM IN THE TOWN OF NEWTON :
COUNTY OF SUSSEX, STATE OF NEW JERSEY :

DOCKET NO.

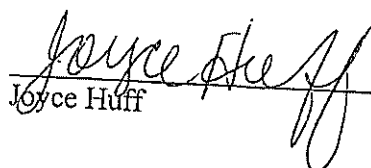
PROOF OF SERVICE

I, JOYCE HUFF, of full age, certify and say:

1. I am a legal secretary at the law firm of Schenck, Price, Smith and King, LLP, attorneys for Petitioner, CSC TKR, LLC.

2. On December 21, 2020, at the direction of James Eric Andrews, Esq., I caused to be sent, via Federal Express, a Verified Petition with attachments in connection with the above-referenced matter to Lorraine A. Read, Clerk for the Town of Newton, 39 Trinity Street, Newton, New Jersey 07860.

I certify that the foregoing statements made by me are true. I am aware that if any of the statements made by me are willfully false, I may be subject to punishment.


Joyce Huff

Dated: December 21, 2020