

BOROUGH OF WANAQUE

COUNTY OF PASSAIC

STATE OF NEW JERSEY

ORDINANCE #11-0-13

AN ORDINANCE AMENDING ORDINANCE #6-0-13 ENTITLED AN ORDINANCE GRANTING MUNICIPAL CONSENT FOR THE OPERATION OF A CABLE SYSTEM WITHIN THE BOROUGH OF WANAQUE, NEW JERSEY TO CABLEVISION OF OAKLAND, LLC

WHEREAS, on April 8, 2013, the Borough Of Wanaque (hereinafter referred to as the “Borough”), duly approved Ordinance #6-0-13 titled “An Ordinance Granting Municipal Consent for the Operation of a Cable System within the Borough of Wanaque, New Jersey to Cablevision of Oakland, LLC” (the “Consent”); and

WHEREAS, the Borough has agreed to amend the Consent at the request of Cablevision of Oakland, LLC (hereinafter referred to as the “Company” or “Cablevision”);

NOW THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Wanaque, County of Passaic, and State of New Jersey; as follows:

SECTION 1. The preamble to the Consent is hereby amended to include a fifth “Whereas” clause, as follows:

WHEREAS, imposition of the same burdens and costs on other competitors franchised by the Borough is a basic assumption of the parties;

SECTION 2. Section 8 of the Consent, titled “Franchise Fees”, is deleted in its entirety and replaced with the following language:

SECTION 8. FRANCHISE FEE

Pursuant to the terms and conditions of the Cable Television Act, Cablevision shall pay to the Borough, as an annual franchise fee, a sum equal to two (2%) percent of the actual gross revenues received from all recurring charges in the nature of subscription fees paid by subscribers for its cable television reception services in the Borough. In the event applicable law hereinafter permits a larger franchise fee to be collected, but does not fix

the amount thereof, the Borough and Cablevision shall negotiate in good faith with respect to the amount thereof; provided, however, that nothing herein shall be construed to permit the Borough to require payment of a franchise fee by Cablevision that is higher than the fee paid by all other cable television service providers offering service in the Municipality.

SECTION 3. Except as modified by this Ordinance, and subject to applicable state and federal laws, rules, regulations and orders, all provisions of the Consent shall remain in full force and effect for the duration of the term of the Consent (as set forth in Section 4 of the Consent).

SECTION 4. This Ordinance, and the Consent which it amends, shall each take effect upon issuance of a Certificate of Approval as issued by the Board of Public Utilities that incorporates the material terms of this Ordinance and the Consent (as modified herein).

BE IT FURTHER ORDAINED that this Ordinance shall take effect immediately upon the passage, and publications as required by law.

Signed this 12th day of _August, 2013.

Katherine J. Falone, RMC, CMC
Municipal Clerk

BOROUGH OF WANAQUE
COUNTY OF PASSAIC
STATE OF NEW JERSEY
ORDINANCE #11-0-13

NOTICE IS HEREBY GIVEN that the foregoing Ordinance was Introduced at a Business Meeting of the Mayor and Council of the Borough of Wanaque, Passaic County, New Jersey, held on the 12th day of August 2013, and passed on first reading, and the same was then ordered to be published according to law; and that such Ordinance will be further considered for final passage at a meeting of said Mayor and Council to be held in the Municipal Building, 579 Ringwood Avenue, Wanaque, New Jersey, on September 9, 2013 at 8:00 P.M., at which time and place or at any time and place to which said meeting shall be from time to time adjourned, all persons interested will be given an opportunity to be heard concerning said Ordinance.

BY ORDER OF THE MAYOR AND COUNCIL OF THE BOROUGH OF
WANAQUE.

DATED: August 12, 2013

Katherine J. Falone, RMC, CMC
Municipal Clerk

BOROUGH OF WANAQUE
COUNTY OF PASSAIC
STATE OF NEW JERSEY

ORDINANCE #11-0-13

BE IT RESOLVED that an Ordinance entitled:
AN ORDINANCE AMENDING ORDINANCE #6-0-13
ENTITLED AN ORDINANCE GRANTING MUNICIPAL
CONSENT FOR THE OPERATION OF A CABLE SYSTEM
WITHIN THE BOROUGH OF WANAQUE, NEW JERSEY
TO CABLEVISION OF OAKLAND, LLC

pass first reading, and that said Ordinance be further considered for final passage and adoption at a Regular meeting of the Borough Council to be held on the 9th day of September 2013, at the Municipal Building in the Borough of Wanaque, at 8:00 P.M., and that at such time and place all persons interested be given an opportunity to be heard concerning said Ordinance.

AND BE IT FURTHER RESOLVED that the Borough Clerk be instructed to publish in the manner provided by law a copy of said Ordinance, together with introduction thereof and notice when same will be considered for final passage and adoption.

Passed: 8/12/13

Filed: 8/12/13

Approved: 8/12/13

Katherine J. Falone, RMC, CMC

Municipal Clerk