

ORDINANCE 148

AN ORDINANCE REGARDING THE CABLE TELEVISION
FRANCHISE GIVEN TO WILMARTH TELEVISION, IN
THE BOROUGH OF NEW MILFORD.

SECTION 1: Permission is hereby granted to Howard Wilmarth, d/b/a Wilmarth Television of New Milford, Pennsylvania, for himself, his heirs, personal representatives, successors and assigns, to set poles and to traverse and cross over and under streets and alleys within the Borough on set poles and/or utility poles within the Borough, with cables and associated appliances in connection with a television cable system, and to operate and maintain those wires, cables, associated appliances and poles.

SECTION 2: The wires, cables and associated appliances and poles set by Howard Wilmarth, d/b/a Wilmarth Television, his heirs, personal representatives, successors and assigns shall be at all times in good and safe order and condition.

SECTION 3:

(a) Installations made under this Section shall remain until the expiration of the calendar year 1992 at the option of the Licensee, and shall continue thereafter from year to year, until and unless either the Licenser or the Licensee shall give ninety (90) days notice in writing, prior to the end of any licensed year, of its intention to terminate the Lease.

(b) The Licensee shall pay to the Borough, a fee of Seven Hundred Dollars (\$700.00) for the calendar year 1983, payable one-third (1/3) January 1, 1983; one-third (1/3) May 1, 1983; and, one-third (1/3) September 1, 1983. Licensee shall pay to the Borough, a fee of 700.00 Dollars (\$700.00) for each of the calendar years 1984 through 1992, payable one-third (1/3) January 1, of each year; one-third (1/3) May 1, of each year; and, one-third (1/3) September 1, of each year.

SECTION 4: The Licensee shall at its own expense, remove, alter, rearrange, improve or repair its television cable system in such manner as the Borough may direct when the system endangers the employees of the Borough or interferes with the purposes and uses of the poles, power lines, telephone lines and streets and alleys.

SECTION 5: The licensee shall carry public liability and property damage insurance in the sum of \$100,000/\$300,000 and \$20,000/\$40,000 respectively to protect the Borough against claims or damage suits, expenses and liabilities which may result by reason of any loss, injury or damage. That insurance shall extend for the full term of this agreement and any extension of it, and

satisfactory evidence of the securing of that insurance shall be furnished the Borough. The Licensee shall save harmless the Borough from any and all loss resulting from injury or damage to persons or property, including injuries to the employees or damage to the property of the Borough arising out of or resulting in any manner from the presence, use or maintenance of the television cable system or for the acts or omissions of the Licensee's agents or employees while engaged in the work of placing, maintaining, renewing or removing the same, as well as any payments made by the Borough to any of its injured employees or relatives or representatives in conformity with the provisions of the Workmen's Compensation Act or any act creating liability of an employer to pay compensation for personal injury to an employee.

SECTION 6: In the event and in those locations where the use of the poles of other utilities is not practicable, the Licensee may erect poles or place cables underground. Those installations shall be performed in a neat, safe and substantial manner, and shall be kept in good order and repair.

SECTION 7: The Licensee shall obtain written permission from an authorized representative of the Borough before setting any poles or placing cables underground, pursuant to this Section.

Section 8: Cable service shall be provided on the basic cable for television stations 12, 16, 22, 28, 34, 40, 44 and 46, and two or more additional channels, at the agreement of the parties hereto. Cable service shall be provided on the extra or option service as provided by the Licensee at agreed upon rates and shall carry such channels as are determined to be feasible by the parties hereto.

Section 9: Installation of cable service shall be at a cost of Fifty Dollars (\$50.00) per installation per household and monthly rental for the use of any installation shall be at the rate of Six and 50/100 Dollars (\$6.50) per month for the first television, provided that additional sets may be connected for an installation charge of Five Dollars (\$5.00) per set and the monthly rental of One Dollar (\$1.00) per month for additional sets, connected in the same household.

The residents of the Borough of New Milford, shall also have the right to have installation at a charge of Five Dollars (\$5.00) per household and Five Dollars (\$5.00) per additional television set, with a monthly rental for the use of the installation, at Seven and 50/100 Dollars (\$7.50) per month for the first television set and One Dollar (\$1.00) per month for each additional television set.

Licensee shall have the right to charge additional fees as set by the Borough Council and approved by the proper Federal

agencies, for optional service available to households not provided through the regular cable system.

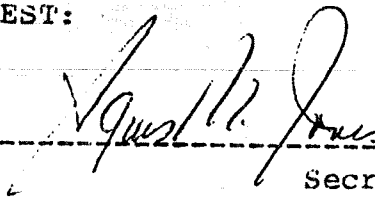
SECTION 10: Upon the termination of permission granted under this franchise or any extension of it, the Licensee shall immediately remove all of its attachments from the poles and upon its failure to do so, the Borough may make such removal at Licensee's cost and expense.

SECTION 11: The permission granted under this Section is subject to all Ordinances, rules and regulations now enforced or which may hereafter be passed relative to the use of streets and alleys by the Licensee.

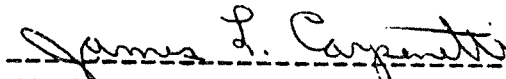
ENACTED and ORDAINED this the 4th day of November, 1982.

NEW MILFORD BOROUGH

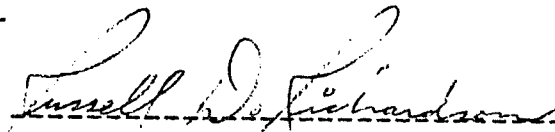
ATTEST:



Secretary

By: 

President



Mayor