

**AN ORDINANCE CONCERNING THE PRINCETON
JOINT CABLE TELEVISION COMMITTEE AND
AMENDING THE "CODE OF THE TOWNSHIP OF
PRINCETON, NEW JERSEY, 1968."**

WHEREAS, in or about February 1995, the Borough of Princeton and the Township of Princeton, entered into an interlocal services agreement to establish the Joint Princeton Cable Television Committee, with the authority to maintain and operate the cable television related services in both municipalities; and

WHEREAS, that agreement was adopted in full, by ordinance of the governing bodies of the respective municipalities; and

WHEREAS, the expired seven years from its adoption and must now be reauthorized; and

WHEREAS, the agreement must be further amended because a non-profit corporation, Princeton Community Television, has been created with an educational and charitable purpose to support, manage, promote, produce and distribute non-commercial based media programs; and

WHEREAS, the Joint Princeton Cable Television Committee will no longer be responsible for maintaining and operating the public access network, as the duty and responsibility of maintaining and operating the public access network has been delegated by contract with the authorization of the respective municipalities, to the non-profit corporation, Princeton Community Television; and

WHEREAS, the Joint Cable Television Committee will continue to work with the municipality's cable provider, Patriot Media, and any other cable television providers, as the need

arises, to negotiate the cable franchise agreement and to oversee the implementation of the franchise; but will not longer be required to operate the public access network.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Princeton that Chapter 5AAA of the "Code of the Township of Princeton, New Jersey 1968" which establishes the Joint Princeton Cable Television Committee and the "Interlocal Government Services Agreement Between The Township of Princeton and The Borough of Princeton to Establish a Joint Cable Television Committee" be and is hereby re-authorized; and

BE IT FURTHER ORDAINED that said agreement and Chapter 5AAA is amended to read as follows:

1. **Sec. 5AAA-1. Establishment of [i]Interlocal [g]Governmental [s]Services**

[a]Agreement.as follows:

The Joint Princeton Cable Television Committee is hereby established in the Township of Princeton and the Borough of Princeton in order to jointly provide cable television-related services to the citizens of the two municipalities.

2. **Sec. 5AAA-2. Establishment of Joint Princeton Cable Committee; membership.**

(a) There shall be established a "Joint Princeton Cable Television Committee," the duties and powers of which shall be as herein stated. The committee shall consist of twelve members, including residents of the municipalities, five representing the borough and five representing the township ("citizen representatives"). The governing body of each municipality shall appoint the citizen representatives. The township citizen representatives shall be appointed by a majority vote of the township committee and the borough citizen representatives shall

be appointed by the Mayor upon the advice and consent of borough council.

(b) There shall also be one representative from the governing body of each municipality to serve as a liaison between the committee and the respective governing bodies ("liaison representatives"). The liaisons shall be full members of the committee and be appointed as above in the same manner as the citizen representatives. The mayors of either municipality may serve as the liaison representatives.

(c) Of the five citizen representatives from each municipality, one shall initially be appointed for one year, two shall be appointed for two years and two shall be appointed for three years. Thereafter, each appointment shall be for a term of three years.

(d) The liaison representatives from each municipality shall be appointed annually by the governing bodies and serve one year terms.

3. **Sec. 5AAA-3. Election and powers of the chair; meetings subject to Open Public**

Meetings Act.

(a) The Committee shall meet as a committee of the whole on the second Tuesday in January, or as soon thereafter as practicable, and at that time select a chair. The chair shall serve for one year and shall be eligible to be reappointed each year.

(b) The chair shall have the power to call meetings, appoint subcommittees and make such routine administrative decisions as are necessary when it would be impractical for the committee, or a subcommittee thereof, to meet.

(c) All committee meetings shall be subject to the Open Public Meetings Act, *N.J.S.A. 10:4-6 et seq.*

4. **Sec. 5AAA-3.1. Powers and Duties of the Committee.**

(a) The Committee shall annually select among its members one (1) person to serve as an appointed trustee on the Board of Trustees of the non-profit corporation known as Princeton Community Television. The member shall be chosen by a majority vote of all members. The appointed Trustee shall serve for one (1) year and may be reappointed at the discretion of the Committee.

5. **Sec. 5AAA-4. Subcommittees.**

There shall be at least [three] two subcommittees of the committee, including:

[(a)] A public access network subcommittee,

(a)[(b)] A cable franchise subcommittee, and

(b)[c] A budgeting subcommittee.

Each subcommittee shall consist of at least three citizen representatives. The chair and the liaison representatives shall be ex officio members of all committees.

6. **Sec. 5AAA-5. Powers and duties of subcommittees.**

[(a)] The public access network subcommittee shall be responsible for maintaining and operating the public access network. These duties shall include, but not be limited to, securing a space for a studio or office; purchasing or leasing equipment; independently producing cable television shows of local interest; working with the franchisee to produce cable television shows of local interest; monitoring the content of the programming of the public access network and making decisions

regarding such programming, including air-time priorities and programming standards.]

(a)[b] The cable franchise subcommittee shall meet at least three times each year with the cable company, in accordance with the franchise agreement. The committee shall make recommendations to the borough and township regarding continuation of the franchise, survey residents when appropriate and hear complaints from residents regarding the service offered by the franchise.

(b)[c] The budget subcommittee shall be responsible for preparing an annual budget which shall be submitted each year for approval by the governing bodies. The cable committee shall be self-sufficient and not require the appropriation of public funds by either municipality, other than the appropriation of money received from the cable company and held in trust for the committee, and/or appropriation of the franchise fees received from the company. It is anticipated that a large percentage of the committee's budget shall be provided by those fees and benefits provided to the municipalities by the cable company in accordance with its obligations under the franchise ordinance and certificate of approval, including the subscriber fee, lump sum payment, and monies dedicated to purchase of equipment. [Distribution of the annual franchise fee shall be determined by each municipality. Such distribution must occur not later than thirty days from the date each municipality receives the franchise fee from the company.] The committee's budget shall be balanced each year. The committee may, at its discretion, raise additional funds as necessary. The cable committee shall continue to receive the franchise fees paid to the municipality

by the cable company. The budget subcommittee shall ensure that the franchise fees are distributed to Princeton Community Television within thirty (30) days of receipt.

~~(c)~~[(d)] The cable committee chair may appoint any other subcommittee as the need arises.

7. **Sec. 5AAA.6. Purchasing and accounts.**

All purchases shall be made in accordance with the Local Public Contracts law, *N.J.S.A. 40A:11-1*. Accounts shall be held in trust for the cable committee by the Borough of Princeton and all expenditures shall be approved by the borough administrator. Expenditures shall be initiated by the cable committee and approved by the borough administrator, who shall serve as purchasing agent for the committee.

8. **Sec. 5AAA-7. Resolving disputes within the committee.**

Any disputes shall be resolved by majority vote of a quorum of the committee. If a dispute prevents the committee from performing its authorized functions, said dispute shall be resolved by majority vote of a group consisting of the two governing body liaison representatives and the cable committee chair.

9. **Sec. 5AAA-8. Duration of agreement.**

This agreement shall be in force [for a period of seven years.] until October 13, 2014, the date of the expiration of the cable television franchise agreement.

10. **Sec. 5AAA-9. Severability.**

If any clause, sentence, paragraph, section or part of this chapter shall be adjudged to be invalid by any court of competent jurisdiction, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its

operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

11. This ordinance shall take effect upon its passage and publication, as provided for by law.

Linda S. McDermott, Township Clerk

Phyllis L. Marchand, Mayor