

ORDINANCE 2025-03

*Borough of Metuchen
County of Middlesex
State of New Jersey*

**ORDINANCE OF THE BOROUGH OF METUCHEN AUTHORIZING
EXECUTION OF A RIGHTS-OF-WAY AGREEMENT BETWEEN
THE BOROUGH OF METUCHEN AND COMCAST OF NEW JERSEY II, LLC
TO PERMIT THE INSTALLATION, USE, AND MAINTENANCE OF CABLE
TELEVISION AND TELECOMMUNICATIONS FACILITIES
WITHIN PUBLIC RIGHTS-OF-WAY FOR PURPOSES OF PROVIDING
CABLE TELEVISION AND TELECOMMUNICATIONS SERVICES.**

WHEREAS, Comcast of New Jersey II, LLC (hereinafter referred to as “Comcast”) is a cable television company with offices located at 800 Rahway Avenue, Union, New Jersey 07083 that is subject to the jurisdiction of the New Jersey Board of Public Utilities (the “Board”); and

WHEREAS, in accordance with and pursuant to the New Jersey Cable Telecommunications Act (N.J.S.A. 48:5A-1 et seq.), Comcast intends to apply to the Board for a system-wide franchise authorizing Comcast to construct, operate, and maintain a cable television system in the Borough of Metuchen (the “Borough”); and

WHEREAS, in accordance with N.J.S.A. 48:5A-3(r), this Ordinance evidences that Comcast has proposed to place consumer video, cable, and telecommunications plant in the Borough; and

WHEREAS, Comcast has requested the Borough’s approval to occupy public rights-of-way within the Borough for the purpose of constructing, installing, operating, repairing, maintaining, and replacing its cable television system; and

WHEREAS, the Borough is authorized to approve the entry into a Rights-of Way Agreement with Comcast pursuant to N.J.S.A. 48:17-10 and N.J.S.A. 48:5A-25.1(b); and

WHEREAS, the Mayor and Council of the Borough of Metuchen have determined it is in the best interests of the Borough and its citizens for the Borough to grant non-exclusive consent to Comcast to occupy the public rights-of-way within the Borough for this purpose; and

WHEREAS, the Borough’s consent is and shall be conditional upon Comcast’s application and it obtaining the required authorization from the Board to construct, operate, and maintain a cable television system within the Borough; Comcast’s compliance with all existing and future applicable ordinances; and Comcast’s entering into a written agreement with the Borough to indemnify and hold the Borough harmless as to all claims and liability resulting from any injury or damage caused by Comcast which may arise from the construction, installation, operation, repair, maintenance, disconnection, replacement, and removal of its cable television system within certain public rights-of-way and its provision of liability insurance coverage for personal injury and property damage; and

WHEREAS, this Ordinance authorizes Comcast to occupy the public rights-of way within the boundaries of the Borough, and Comcast will apply for permits as necessary and obtain the Borough's approvals to construct, install, operate, repair, maintain or replace its cable television system facilities in the Borough.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Borough of Metuchen, in the County of Middlesex, State of New Jersey, as follows:

1. The Borough of Metuchen hereby grants non-exclusive consent to Comcast of New Jersey II, LLC to occupy the public rights-of-way within the Borough for the purpose of construction, installation, operation, repair, maintenance, and replacement of a cable television system for a period of fifty (50) years from the date that the Board approves Comcast's application for a system-wide franchise.
2. The Borough's granted permission is conditioned upon Comcast securing the required authorization from the New Jersey Board of Public Utilities to construct, operate, and maintain a cable television system in the Borough.
3. The Borough's granted permission is further conditioned upon Comcast entering into a Rights-of-Way Use Agreement with the Borough and providing liability and property damage insurance coverage.
4. The Borough's granted permission herein is also conditioned upon Comcast, at its sole cost and expense, obtaining any and all permissions required by applicable Federal and State law from the owner(s) of the existing Utility Poles and/or structures.
5. The Mayor and Borough Clerk are hereby authorized to execute and attest to, respectively, any and all documents, including the Right-of-Way Use Agreement in substantially similar form as attached hereto, subject to the review and approval of the Borough Attorney.
6. If any section paragraph, subdivision, clause, sentence, phrase, or provision of this Ordinance is declared unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.
7. A copy of this Ordinance shall take effect after second reading and publication, as required by law.

BE IT FURTHER ORDAINED by the Council of the Borough of Metuchen that it hereby authorizes all Borough Officials and Employees to take all necessary action in order to effectuate the within Ordinance.

Introduction: January 27, 2025
 Date of Publication: January 31, 2025

COUNCILMEMBER	YES	NO	NV	AB	COUNCILMEMBER	YES	NO	NV	AB
BRANCH	X				HYMAN	X			
DELIA	X				JETHWANI	X			
GIAMBOI	X				KANDEL				X
MOTION	DELIA			SECOND			GIAMBOI		
X - INDICATES VOTE AB- ABSENT NV- NOT VOTING									

I hereby certify the foregoing to be a true copy of an ordinance introduced by the Borough Council of the Borough of Metuchen, Middlesex County, New Jersey at a regular meeting held on January 27, 2025.



 Deborah Zupan, RMC
 Borough Clerk



Adopted: February 10, 2025
 Date of Publication: February 14, 2025

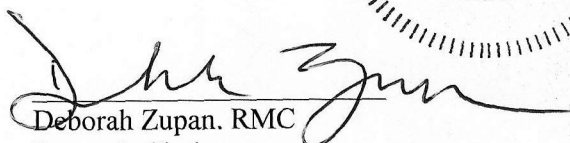
COUNCILMEMBER	YES	NO	NV	AB	COUNCILMEMBER	YES	NO	NV	AB
BRANCH				X	HYMAN	X			
DELIA	X				JETHWANI	X			
GIAMBOI	X				KANDEL	X			
MOTION	DELIA			SECOND			GIAMBOI		
X - INDICATES VOTE AB- ABSENT NV- NOT VOTING									

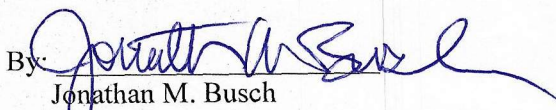
I hereby certify the foregoing to be a true copy of an ordinance adopted by the Borough Council of the Borough of Metuchen, Middlesex County, New Jersey at a regular meeting held on February 10, 2025.


 Deborah Zupan, RMC
 Borough Clerk



ATTEST: BOROUGH OF METUCHEN


 Deborah Zupan, RMC
 Borough Clerk

By: 
 Jonathan M. Busch
 Mayor